

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
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NXIVM CORPORATION, formerly known as
EXECUTIVE SUCCESS PROGRAMS, INC. And
FIRST PRINCIPLES, INC.,
No. 2:06-cv-01051
Plaintiffs, (DMC/MF)

vs.

MORRIS SUTTON, ROCHELLE SUTTON, THE
ROSS INSTITUTE, RICK ROSS a/k/a "RICKY"
ROSS, STEPHANIE FRANCO, PAUL MARTIN,
Ph.D., and WELLSPRING RETREAT, INC.,
Defendants.

-----*
RICK ROSS,
Counterclaim-Plaintiff,
vs.

KEITH RANIÈRE, NANCY SALZMAN,
KRISTIN KEEFFE INTERFOR, INC.,
JUVAL AVIV, ANNA MOODY, JANE DOE
and JOHN DOES 1-10,

Counterclaim-Defendants.

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(Caption continued on following page)

CONFIDENTIAL
VIDEOTAPED DEPOSITION OF: KEITH A. RANIÈRE
(Volume II)
DATE TAKEN: THURSDAY, MARCH 12, 2009

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1 (Continued)
2
3 INTERFOR, INC., JUVAL AVIV, and
4 ANNA MOODY,
5 Cross-Claimants,

6 vs.
7
8 NXIVM CORPORATION, KEITH RANIÈRE,
NANCY SALZMAN and KRISTIN KEEFFE,
Cross-Claim Defendants.

9
10 T R A N S C R I P T of the stenographic
11 notes of the proceedings in the above-entitled
12 matter, as taken by and before CHERYL McGANN, a
13 Certified Court Reporter and Certified Realtime
14 Reporter of the State of New Jersey, held
15 at the offices of DRINKER BIDDLE & REATH LLP,
16 500 Campus Drive, Florham Park, New Jersey, on
17 Thursday, March 12, 2009, commencing at
18 9:44 a.m.

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<p style="text-align: right;">Page 169</p> <p>1 THE VIDEOGRAPHER: Today's date is March 12, 2009. 2 This is the start of Tape 1 of the second day of the 3 continuing deposition of Keith Raniere. The time is 4 9:44, and we are now on the record. 5 6 KEITH ALAN RANIERE, residing at 7 3 Flintlock Lane, Clifton Park, New York 12065, 8 is duly sworn and testifies on his oath as follows: 9 10 CONTINUED DIRECT EXAMINATION BY MR. KOFMAN: 11 Q. Good morning, Mr. Raniere. The rules that I 12 told you at the beginning of the deposition 13 yesterday are still in effect. 14 Do you need me to repeat those for you? 15 A. No. 16 Q. Okay. Mr. Raniere, has Morris Sutton taken 17 any action since the filing of the lawsuit to 18 discredit NXIVM? 19 A. I don't know. 20 Q. Okay. Has Rochelle Sutton taken any action 21 since the filing of the lawsuit to discredit NXIVM? 22 A. I don't know. 23 Q. Has Stephanie Franco taken any action 24 subsequent to the filing of the lawsuit in August 25 2003 to discredit NXIVM?</p>	<p>1 reveal all the things relating to B and all the 2 things relating to B -- C. Certainly as a group we 3 can reveal a trade secret. Certainly as an essay, 4 although a trade secret may not be contained in any 5 one segment, it provides more and more of a window 6 so it's something that I would have to think about 7 in each case. 8 Q. Do you think that your marking up of 9 Raniere-5 and Raniere-6 you identified things that 10 you now believe are not trade secrets, or is it the 11 case that you -- 12 A. Did not mark enough -- 13 Q. -- didn't mark up things that you consider 14 are trade secrets? 15 A. Probably did not mark enough, maybe should 16 have marked more. Each of the things have to be 17 weighed very carefully, so I may have marked some 18 things that are not. 19 I will give you an example. There are quotes 20 in these articles from other people, other things. 21 The question is can you use a quote from another 22 person to reveal a secret. Can I -- if I have a 23 math equation, can I use an equation from another 24 mathematician to reveal a secret; and the answer is 25 yes. So I have to weigh specifically how each of</p>
<p style="text-align: right;">Page 170</p> <p>1 A. Um, I'm not sure. 2 Q. Yesterday before we broke you had -- I had 3 asked you to mark up the article that we've marked 4 as Raniere-8, Critical Analysis of the Executive 5 Success Programs Inc., to identify everything that 6 you considered a trade secret of NXIVM. 7 Have you done that? 8 A. Yes, with a comment. 9 Q. What's the comment? 10 A. As I was doing it, I am having a different, I 11 would say deeper understanding of the issue, so I 12 can't say that on the previous articles that I 13 marked up that I've yet marked them appropriately 14 ultimately. I think to do a -- this full justice, I 15 would need to not only think about it but go through 16 each one very carefully over time. And I can give 17 you specifics of why. 18 Q. If you can give me a specific as to why you 19 would have to do that. 20 A. Because when you have -- if I have some sort 21 of a trade secret -- let's say it's some sort of a 22 math formula involving A, B and C, and I go and I 23 give that trade secret formula to several people, 24 and I have one person reveal A and another -- all 25 the things relating to A -- and another person</p>	<p>1 these quotes are used, and it starts to become more 2 than just sitting casually or at a deposition 3 formally and quickly marking off. For me, it is -- 4 it is a thought process. 5 Q. How long do you think it would take you to 6 identify all of the trade secrets that are disclosed 7 in Raniere-5? 8 A. I think it depends how motivated I was. If I 9 was a motivated competitor, it might take me a year, 10 but I'd figure it out. 11 Q. You would be able to replicate the Rational 12 Inquiry -- the NXIVM courses from simply this one 13 article? 14 A. I might be able to replicate a trade secret 15 from one or more of the articles, and I can't tell 16 you that, per se. 17 Q. So you might be able to replicate a single 18 trade secret from one of the articles if you took a 19 year? 20 A. Or more. Or more. 21 Q. But it might take a year if you were 22 motivated? 23 A. Or it might take a night. I don't know. 24 What I'm saying is it's a far deeper process than 25 my on reading the article just checking off yes, no,</p>

<p style="text-align: right;">Page 173</p> <p>1 yes, no, yes, no. 2 Q. Okay. How long would it take you, Keith 3 Raniere, to perform a more detailed analysis to 4 identify each and every trade secret disclosed in 5 Raniere-5? 6 A. I have no way of knowing that. 7 Q. Hours, days? 8 A. You're asking how long it would take me to 9 solve a problem that I don't know the solution of. 10 I don't know. 11 Q. It's a three-page article, Mr. Raniere. How 12 long would it take you to identify each trade 13 secret? 14 A. It's a three-page article that provides a 15 window into 30 years of my life of work. I don't 16 know. 17 Q. You understand in this case NXIVM is going to 18 have to identify each trade secret? 19 A. Yes, but not necessarily how the trade secret 20 is specifically represented in the article. I 21 believe it's do the articles/article, however you 22 look at them, release the trade secrets to 23 competitors. Do they -- or are those trade secrets 24 used to damage NXIVM. And I don't understand the 25 level -- that's my understanding of it, and that's a</p>	<p style="text-align: right;">Page 175</p> <p>1 A. I don't know. 2 Q. And that's after having spent some time 3 yesterday reviewing the articles? 4 A. Yes. 5 Q. Let's go back to Raniere-5. 6 A. (Witness complies.) 7 Q. The next to last paragraph there you say 8 "Participants are told to promise not to tell non- 9 participants of what they learn in the Intensive, as 10 well as its methods," and you underlined that. 11 A. You have to show me that. It's the very last 12 page where -- 13 Q. No. It's the first page of Raniere-5, next 14 to last paragraph, under the heading "Limitations in 15 ability to get feedback from friends and family." 16 A. Uh-huh. 17 Q. And it says, "Participants are told to 18 promise not to tell non-participants of what they 19 learn in the Intensive, as well as its methods." 20 What is unique to NXIVM about that concept? 21 A. Please repeat the concept. I'm having 22 trouble finding. 23 Q. Okay. It's -- the heading is "Limitations in 24 ability to get feedback from friends and family." 25 A. I'm not seeing -- it's Page 1?</p>
<p style="text-align: right;">Page 174</p> <p>1 different question than does this sentence contain 2 a trade secret, at least in my mind. So I went 3 through this, and I apologize that it may not be as 4 complete. 5 Q. Okay. But to the extent it's not complete, 6 it's more likely underinclusive than overinclusive 7 of trade secrets? 8 A. More likely. 9 Q. How about the third article? Did you -- does 10 that identify -- and this is what you did last 11 night, Raniere-8. 12 A. That's the one I'm speaking of, yes. 13 Q. Does that identify each and every trade 14 secret that's contained in the article? 15 A. No. It just starts with an overview. I 16 spent, I don't know, 15 minutes, a half hour going 17 through, as I did the other articles with about the 18 same level of precision; but even with this article 19 I learned more as I was doing it. 20 Q. Did anyone assist you in marking up or 21 identifying trade secrets in Raniere-8? 22 A. No. 23 Q. Mr. Raniere, is any entire trade secret of 24 NXIVM, as you define the term, disclosed in these 25 articles -- in any one of these articles?</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Page 1. 2 A. I see. So it's the paragraph above the last. 3 Q. And you underlined part of the sentence, 4 "Participants are told to promise not to tell 5 non-participants of what they learn in the 6 Intensive, as well as its methods." 7 A. Uh-huh. 8 Q. What about that sentence is unique to NXIVM? 9 A. "Methods" right off. 10 Q. The word methods is unique? 11 A. No, NXIVM's methods; and this brings the 12 methods not only into question but starts to carve 13 out aspects of or not of the methods. 14 Q. Does it disclose any of the methods? 15 A. I believe indirectly it does. It starts to. 16 Q. How? 17 A. I think when you have a trade secret, as 18 Mr. Hochman did, you are in a different position 19 than if you don't. And if I start to say things 20 about the trade secret that I have and I have the 21 trade secret, so to speak, everything starts to 22 either hint or directly say. 23 Now, he's talking about the methods, the 24 trade secrets that he has in his hand. He's 25 starting to go and say, all right, well, it's sort</p>

1 of like this, sort of not like this. So I find it
 2 related to our methods, and I find our methods trade
 3 secrets.

4 Q. Could --

5 A. I'm sorry.

6 Q. Could a competitor take that sentence and
 7 replicate or discover any of your trade secrets?

8 A. Utilizing that sentence in combination with
 9 other things, I believe so.

10 Q. Doesn't that sentence merely say that you
 11 have methods?

12 A. No. It says actually more than that, too.
 13 It talks about a promise. It talks about an
 14 Intensive and that the Intensive does have methods,
 15 which sometimes methods are not trade secret;
 16 sometimes they are.

17 Q. Is the promise to keep things secret unique
 18 -- to keep information secret unique to NXIVM?

19 A. No.

20 Q. Is there anything about the existence of that
 21 promise to -- strike that.

22 Are you aware of any competitors who have
 23 similar promises?

24 A. Not directly, but I'm sure they do.

25 Q. Uh-huh. Does disclosure of the fact that

1 trade secret formulas probably have carbon in it.
 2 To say that the formula has carbon in it, a lot of
 3 competitors have carbon in their formula, but it is
 4 significant when I know the trade secret and I say
 5 the formula has carbon in it. It starts to craft
 6 out information.

7 And can I contemplate what every person,
 8 every competitor looking at this will be able to
 9 derive from it? That would take a lot of time, and
 10 I don't know if I could even necessarily do that.

11 Q. Let's assume that your trade secret was a
 12 cake. Is -- somebody saying that the cake contains
 13 eggs, is that a disclosure of a trade secret?

14 A. It can be partway to one, especially if the
 15 eggs are in the recipe.

16 Q. If the eggs are in the recipe, okay.

17 By the way, is there anything that's
 18 contained in the NXIVM Intensive, any of the modules
 19 that have been created for the NXIVM Intensive that
 20 are not trade secrets?

21 A. The modules is a combination of the product
 22 of the tool and the tool itself. Are there any
 23 modules in NXIVM that do not -- are not related in
 24 any way to the trade secret? I don't think so.

25 Q. Is there anything within an individual module

1 NXIVM requires its information to be kept secret --
 2 strike that.

3 Would disclosure to a competitor of the fact
 4 that NXIVM requires its methods to be kept secret
 5 work a competitive disadvantage on NXIVM?

6 A. It may, depending on the context.

7 Q. A competitor learns that NXIVM won't --
 8 doesn't allow its participants to reveal the trade
 9 secrets. How does that work a competitive
 10 disadvantage on you?

11 A. If I am a person that is looking to find the
 12 trade secrets of an organization or if I am a person
 13 that is a competitor of the organization and has the
 14 trade secrets, I could use those trade secrets to,
 15 in fact, take business away from NXIVM, to cause
 16 harm to NXIVM or I could use the hints in part to
 17 derive.

18 Q. How does learning that NXIVM prohibits
 19 disclosure of its trade secrets benefit a
 20 competitor?

21 A. I don't know off the top of my head. I --
 22 you know, it's similar -- if the equation is A plus
 23 B plus C, that is my trade secret, and many
 24 competitors have A in their equation. Any formula,
 25 a chemical formula, say, has carbon in it. Many

1 that -- any part of an individual module that's not
 2 a trade secret?

3 A. Do you know, I can't say that off the top of
 4 my head. I can't think of one. Part of the
 5 philosophy is we wouldn't create the modules;
 6 someone else would.

7 Q. I'm sorry. Could you repeat that?

8 A. Part of the philosophy of it is if they
 9 weren't valuable to us, we wouldn't create them;
 10 someone else would.

11 Q. On the last paragraph of this page, it says
 12 "Participants are mislead" -- you underlined,
 13 "Participants are mislead into feeling guilty for
 14 being a 'promise breaker.'"

15 A. Uh-huh.

16 Q. What's unique to NXIVM about that concept?

17 A. Well, it does raise a question. Are
 18 participants made to feel guilty? I think the way
 19 we understand guilt is unique. I think the way it
 20 is handled within the curriculum is unique and
 21 important and secret, and also I believe the
 22 statement is untrue and I think raises the question
 23 that either it makes us look bad or we have to start
 24 to reveal a trade secret, which is an interesting
 25 thing when you don't get to publish.

<p style="text-align: right;">Page 181</p> <p>1 Q. Consid -- is there something in that sentence 2 that would tell a competitor what your ideas of 3 guilt are?</p> <p>4 A. I think there are things in that sentence 5 that, one, a competitor would understand that 6 certain characteristics relating to the NXIVM trade 7 secrets and relating to NXIVM; and, two, it would 8 put a potential client and other competitors in a 9 position where either -- especially when you talk 10 about our clients -- either they believe something 11 wrongfully about us by someone who has the authority 12 of having our trade secret or we have to reveal a 13 trade secret to explain.</p> <p>14 You see, we do not have the right to first 15 publication in this case. So although it may seem 16 like a criticism, this particular article, it's 17 criticizing something that doesn't exist for the 18 public yet so we're -- it's a type of forced 19 publication almost or a damage.</p> <p>20 Q. You said it doesn't exist for the public yet. 21 Is there a plan to have this -- eventually have the 22 modules made public?</p> <p>23 A. I don't know.</p> <p>24 Q. Would a -- would some potential student who 25 read these articles be able to say, I don't need to</p>	<p style="text-align: right;">Page 183</p> <p>1 important, and understanding comprehensibility is 2 important. I think this starts to say what trade 3 secrets are. That's a part. That's not the whole 4 thing. The whole trade secret isn't there, no.</p> <p>5 Q. Is any trade secret there?</p> <p>6 A. I believe that there is part of a trade 7 secret there, the beginnings. I think that that, 8 if used in an appropriate context, could ascertain 9 trade secrets.</p> <p>10 This is a person who has our trade secret. 11 They're writing from that perspective with a group 12 of other people.</p> <p>13 Q. So somebody saying I've read the materials, 14 they're gibberish, reveals a trade secret?</p> <p>15 A. Well, it either reveals part of a trade 16 secret if it's true or if it's false it puts it in 17 a position where we either have to reveal the trade 18 secret to capture whatever market we want or be 19 damaged by it.</p> <p>20 Q. But that's a difference between whether it's 21 true or false, as opposed to whether it discloses a 22 trade secret. The fact that somebody says it's 23 gibberish may be true, may be false, may be 24 somebody's opinion but how does -- how does saying 25 that it's a bunch of nonsense allow anyone to get a</p>
<p style="text-align: right;">Page 182</p> <p>1 take the course now because I learned everything I 2 need from these three articles?</p> <p>3 A. They might say that.</p> <p>4 Q. Would they get the gist of NXIVM's programs 5 from reading these three articles?</p> <p>6 A. I don't know.</p> <p>7 Q. Top of the second page, under Effect of 8 idiosyncratic vocabulary on communications, you 9 underlined the phrase --</p> <p>10 A. Hold on. I'm trying to find it.</p> <p>11 Q. Second page. What paragraph? Effect -- oh, 12 it's the first paragraph.</p> <p>13 Q. First full paragraph.</p> <p>14 A. Thank you.</p> <p>15 Q. You underlined the phrase, "English words are 16 redefined to fit the peculiar meanings of group 17 leaders."</p> <p>18 A. Uh-huh.</p> <p>19 Q. "The result is communications that are near 20 incomprehensible to outsiders."</p> <p>21 Does that sentence -- that sentence doesn't 22 appear in any of NXIVM's modules, does it?</p> <p>23 A. One of our important things is to understand 24 the meanings of words going from surface structure 25 to deep structure, and the way we do that is</p>	<p style="text-align: right;">Page 184</p> <p>1 competitive advantage over NXIVM?</p> <p>2 A. As I -- well, maybe I wasn't clear.</p> <p>3 If the statement is true, it gives them a 4 competitive advantage by the theory of it starts 5 to give or it may give all of the trade secret, 6 depending on the statement or part of the trade 7 secret away, especially if it's with a group of 8 people who have taken the trade secrets and are 9 bringing them out to the public.</p> <p>10 If the statement is false, it has the same 11 effect in a different way. Assuming that the 12 statement is either true or false, both bringing the 13 trade secrets either out to the public or hurt us 14 with the very trade secrets.</p> <p>15 Q. Okay. Looking at the idea of a competitor, 16 is it your understanding that a competitor would 17 read this and say, boy, if I could spew nonsense, I 18 could be as successful as NXIVM?</p> <p>19 A. Can -- would you mind defining what you mean 20 by a competitor?</p> <p>21 Q. Somebody who wanted to -- well, how do you 22 define competitor?</p> <p>23 A. I didn't use it in the question.</p> <p>24 Q. Okay. Would somebody who was looking to do 25 human potential training -- what would you say is</p>

<p style="text-align: right;">Page 185</p> <p>1 the business of NXIVM?</p> <p>2 A. I would say the business of NXIVM is</p> <p>3 increasing joy.</p> <p>4 Q. Okay. Would somebody else who's looking to</p> <p>5 increase joy say to themselves after reading this</p> <p>6 article -- strike that.</p> <p>7 So is any compe -- is a competitor of NXIVM</p> <p>8 any other group that looks to increase joy?</p> <p>9 A. I'm not a -- a lawyer. I would think that in</p> <p>10 a broad sense, that could be, because the reason why</p> <p>11 people come to NXIVM it is my belief is to increase</p> <p>12 joy either very directly or ultimately. So that's a</p> <p>13 quick definition.</p> <p>14 Q. Okay. Would somebody -- another group that's</p> <p>15 looking to make money by increasing joy be able to</p> <p>16 say to themselves after reading that sentence, if I</p> <p>17 spout gibberish, I can take some of NXIVM's business</p> <p>18 away?</p> <p>19 A. I think they might say, if I spout gibberish,</p> <p>20 utilizing the other things in these articles, I</p> <p>21 might be able to or I might be able -- because NXIVM</p> <p>22 is spouting gibberish and they're doing that, but</p> <p>23 second of all, if I have the trade secret -- and</p> <p>24 maybe I am a competitor -- it is using the trade</p> <p>25 secret against us to take business away.</p>	<p style="text-align: right;">Page 187</p> <p>1 revealing the trade secrets?</p> <p>2 A. Yes. Otherwise, I would have not only</p> <p>3 underlined every paragraph here, but you have to</p> <p>4 assume that the people that take NXIVM for the most</p> <p>5 part are not competitors and they are -- they won't</p> <p>6 compete with NXIVM. There is a noncompete, and</p> <p>7 given that they're noncompetitors and given that</p> <p>8 they don't have all of the trade secrets or even if</p> <p>9 they did have all of the trade secrets, if they</p> <p>10 wrote certain criticisms, it would be fine.</p> <p>11 Q. Let's say I took a 16-day Intensive, didn't</p> <p>12 like it, wrote an article or posted a blog entry</p> <p>13 that said, you know, "I took this class called NXIVM</p> <p>14 and I read the materials that they gave me; and it</p> <p>15 was just gibberish. They redefine words in their</p> <p>16 own idiosyncratic ways."</p> <p>17 A. Uh-huh.</p> <p>18 Q. Does that reveal a trade secret?</p> <p>19 A. Are you a competitor, first of all?</p> <p>20 Q. I'm writing an arti -- I'm putting an article</p> <p>21 on the Internet or in a newspaper where anyone can</p> <p>22 see it.</p> <p>23 A. Well, it may or may not start to reveal the</p> <p>24 trade secrets.</p> <p>25 Q. And if I write in the article, "Go look for</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. Next paragraph, "Pre-emptive neutralization</p> <p>2 of criticism of the group by participants and their</p> <p>3 family/friends early on."</p> <p>4 You -- about halfway through that you --</p> <p>5 the sentence is, "Since it is likely that group</p> <p>6 outsiders will perceive aspects of the group's</p> <p>7 activities as 'manipulative' or as a 'cult,' these</p> <p>8 two words are used as the sole examples of 'abstract</p> <p>9 terms' that a Shifter will use."</p> <p>10 How is that a trade secret under your</p> <p>11 definition?</p> <p>12 A. Well, things relating to what we term as</p> <p>13 shifter strategies or a person who uses them may be</p> <p>14 called a shifter; and things like manipulative and</p> <p>15 cult, amongst other things, are discussed. This is</p> <p>16 beginning to say what is discussed, beginning to say</p> <p>17 how it is discussed. I suspect that with a few</p> <p>18 other sentences, there could be more trade secrets</p> <p>19 revealed or more of the trade secrets revealed.</p> <p>20 Q. Mr. Raniere, can someone make an informed</p> <p>21 criticism of NXIVM without revealing its trade</p> <p>22 secrets?</p> <p>23 A. Absolutely.</p> <p>24 Q. How could that be done? Somebody who is</p> <p>25 taking the course, can they make a criticism without</p>	<p style="text-align: right;">Page 188</p> <p>1 joy somewhere else 'cause this program really</p> <p>2 stinks. The words are gibberish," is that -- that</p> <p>3 might start to reveal a trade secret?</p> <p>4 A. It may start to. The reason why I'm being</p> <p>5 hesitant is I'm not -- as I said, I would have to</p> <p>6 think about this even more. I know that through</p> <p>7 these articles and many of these statements, there</p> <p>8 is a constructive revealing of the trade secrets.</p> <p>9 You asked me to take each statement and</p> <p>10 assess it and what I would say assess it</p> <p>11 superficially and underline it or not, and I assumed</p> <p>12 you wanted me to underline generously as opposed to</p> <p>13 leaving out. Part of what you asked is which way it</p> <p>14 went, and I did so. But, you know, just like with</p> <p>15 anything, it needs to be thought out.</p> <p>16 Q. If I were to put in my blog entry, "You know,</p> <p>17 I took this NXIVM class and you know what? I know a</p> <p>18 way of increasing your joy. Save your \$7500 and</p> <p>19 don't take this nonsense," does that make me a</p> <p>20 competitor?</p> <p>21 A. No, not necessarily. I'm not sure. It</p> <p>22 depends. Are you selling that? Are you earning</p> <p>23 money from that?</p> <p>24 Q. I'm just warning people off.</p> <p>25 A. Well, you're probably not a competitor, but</p>

<p style="text-align: right;">Page 189</p> <p>1 I'm not sure. I mean, competitors can warn other 2 people off of other competitors and still earn 3 position that way. I mean, I think a competitor 4 can destroy another competitor before they even come 5 into the market. You know, I suspect if you did 6 something like that and maybe you did it so 7 effectively that you stopped all people from coming 8 to NXIVM; and NXIVM, you know, was moribund, had no 9 business, and then you hung a shingle and opened up 10 a business just like NXIVM, I would suspect I would 11 think you were a competitor even though at the time 12 you were doing it you weren't earning from it.</p> <p>13 Q. Could I disclose a trade secret if I'm not a 14 competitor?</p> <p>15 A. Yes, I think so.</p> <p>16 Q. So if I were to write, "Don't take NXIVM's 17 classes. They make you bow down to this guy named 18 Vanguard," is that disclosing a trade secret?</p> <p>19 A. Repeat the sentence. You're asking me to 20 evaluate on a sentence-by-sentence basis and, 21 honestly, I don't feel capable of giving you a 22 complete evaluation. You know, our competitors who 23 look to take our trade secrets just don't take a 24 single sentence and sit and say, oh, yeah; oh, no. 25 They'll think about it, maybe think about it for</p>	<p>1 they were given to him, and he may use them. 2 Q. Do you know one way or the other whether he 3 knows you exist?</p> <p>4 A. I think he does know we exist, but I'm not 5 sure. Yeah.</p> <p>6 Q. Did you ever take any classes with Tony 7 Robbins?</p> <p>8 A. No.</p> <p>9 Q. Okay. Next to the last page, carrying over 10 to the last page of this article --</p> <p>11 A. Yeah.</p> <p>12 Q. -- says -- you underlined the sentence, "All 13 of this is soft peddled to participants as analogous 14 to calling your dentist (who finished a universally 15 recognized course of study) by the title 'doctor.'"</p> <p>16 A. Uh-huh.</p> <p>17 Q. What makes that -- what trade secret is being 18 disclosed by that sentence?</p> <p>19 A. That's relating to certain things I think 20 within Rules and Rituals. Again, it is a fragment. 21 I need to clarify that. You know, I think it's a 22 highly effective strategy. If someone is 23 malintended, if I'm a competitor of you and I have 24 your trade secrets, instead of using the trade 25 secrets myself I just release them to another one of</p>
<p style="text-align: right;">Page 190</p> <p>1 years. I believe our noncompete clause is three or 2 five years or something like that.</p> <p>3 Q. Do you know of any competitors who are 4 looking to take your trade secrets?</p> <p>5 A. I believe so.</p> <p>6 Q. Who?</p> <p>7 A. It depends how you define competitor.</p> <p>8 Q. Well, how do you define competitors who are 9 looking to take your trade secrets?</p> <p>10 A. Well, I believe Rick Ross is a competitor. 11 I believe John Hochman is a competitor. I believe 12 Paul Martin is a competitor. I believe that Tony 13 Robbins is a competitor. As a matter of fact, if 14 someone is, for example, a therapist or a 15 psychiatrist, they go through a different entrance; 16 and we do treat them as a competitor.</p> <p>17 John Hochman is a psychiatrist.</p> <p>18 Q. Is Tony Robbins trying to take your trade 19 secrets?</p> <p>20 A. I don't know if he's trying to take our trade 21 secrets. I suspect if he thought they were valuable 22 he would -- you know, I don't want to make an 23 evaluation on Tony Robbins' honesty or dishonesty. 24 I don't think he is out to steal trade secrets, but 25 he may not even realize they're trade secrets if</p>	<p style="text-align: right;">Page 192</p> <p>1 your competitors and let them destroy you, and I 2 never use them. So when you release things or 3 parts of things, it can be very damaging.</p> <p>4 Q. Okay. Let's put Raniere-5 aside for now and 5 go on to Raniere-6, which is Robert Jay Lifton's 6 eight criteria of thought reform as applied to 7 Executive Success Programs.</p> <p>8 You highlighted the next to last paragraph 9 concerning phone tree.</p> <p>10 MR. McGuire: Page 1.</p> <p>11 A. Page 1.</p> <p>12 Q. Page 1. I'm sorry.</p> <p>13 A. Yes.</p> <p>14 Q. Is the idea of having a phone tree unique to 15 NXIVM?</p> <p>16 A. I'm not sure. This is a quote right out of 17 one of the manuals it appears.</p> <p>18 Q. Uh-huh, but is the concept of a phone tree 19 unique to NXIVM?</p> <p>20 A. I think potentially the way NXIVM does it 21 maybe. If --</p> <p>22 Q. Just the fact that there's a phone tree that 23 NXIVM uses, you're not claiming that that's unique, 24 since, after all, my son has a phone tree when his 25 school is cancelled.</p>

<p style="text-align: right;">Page 193</p> <p>1 A. Uh-huh, that's true. I am in part, and the 2 reason why I put this, this is a quote out of the 3 manual. This particular author, Paul Martin, took 4 the only thing that I wrote which was the Mission 5 Statement and copied 55 percent of it in parts.</p> <p>6 I think I could copy a whole confidential 7 manual if you just give me enough article space and 8 I keep on releasing quote after quote. I think if I 9 released the whole manual, I could give away the 10 trade secrets. So every quote in here out of our 11 manual released from someone who has our trade 12 secret manual, and when that information is not 13 supposed to be released potentially leads to the 14 release of a trade secret. There are a lot of 15 quotes in here.</p> <p>16 Q. If I read this paragraph, would I be able to 17 say -- and I'm a competitor, Tony Robbins, let's 18 say -- I say, oh, they've got a phone tree and each 19 -- whatever the paragraph says, would I be able to 20 say, Aha, I've got it? I can replicate NXIVM?</p> <p>21 A. You start to have an understanding, and 22 depending on what other information you have, this 23 paragraph might be the final piece, certainly.</p> <p>24 Q. Okay. The paragraph after that the only word 25 you underlined is "leased."</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Page 2. 2 Q. Yeah. 3 A. And this is Raniere-6? 4 Q. Yes. 5 A. Okay. Money, yes. 6 Q. And it's your understanding that those 7 concepts there are unique to NXIVM? 8 A. There's more than the concepts here. First 9 of all, this is a quote. Second of all, this is not 10 only each of the concepts but their specific order 11 and as that order integrates together, and these are 12 some of the things that are -- this may be even all 13 of the things in that portion of the module. 14 Q. Then looking at Number 8 under or in the 15 quote from Money, it says, "Having money brings out 16 the true nature of people." 17 A. Uh-huh. 18 Q. Is that an idea that's unique to NXIVM? 19 A. Do you believe that that idea has to be 20 unique to NXIVM to be a trade secret? 21 Q. I'm -- your definition of trade secret used 22 the word unique. 23 A. Uh-huh. I believe that's part of a unique 24 idea. I believe the order of these concepts is 25 unique, and I believe just like any message -- you</p>
<p style="text-align: right;">Page 194</p> <p>1 Does that paragraph contain a trade secret? 2 A. It probably does. It is in quotes, and I 3 wasn't sure if that was a quote. I think it was a 4 quote off the application; and in that case it's not 5 a problem because it's not from the trade secret 6 secretive material, but I was unsure, so I lightly 7 did that.</p> <p>8 Q. By the way, just going quickly back to 9 Raniere-5, is there anything from there -- any of 10 the trade secrets that are -- you claim are 11 disclosed in that article that are from the 12 Facilitator materials that were given to Stephanie 13 Franco?</p> <p>14 A. Hard to tell.</p> <p>15 Q. And that's because he doesn't cite where 16 different things came from?</p> <p>17 A. Well, it's also hard to tell how these pieces 18 will add together as someone is unraveling what the 19 trade secrets are.</p> <p>20 Q. Okay. Looking back at Raniere-6, sir, you 21 have the statement about halfway down -- the quote 22 is from the section Money.</p> <p>23 A. The direct -- well, halfway down which -- I'm 24 sorry, which page?</p> <p>25 Q. Page 2?</p>	<p style="text-align: right;">Page 196</p> <p>1 know, I can give you a trade secret and suppose I 2 have a formula in organic chemistry, I can of course 3 look at the formula and say is the letter C unique, 4 and you would have to say no; say is carbon unique, 5 and you'd have to say no. But this gives not only 6 carbon and it does say that carbon is in the formula 7 which is starting to give away the trade secret that 8 starts to give the order and the nature, and part of 9 the trade secrets are not just the information 10 presented. It's the order. It's sometimes the 11 order of the words within a question specifically. 12 Sometimes it's the orders of the questions within a 13 module. It is definitely those things and the order 14 of module within a curriculum and the order of 15 curriculum within a whole. This comes down to how 16 surface structure and deep structure are understood 17 in the human mind.</p> <p>18 Q. Let's say the only thing quoted there was the 19 last -- was Number 8, "Having money brings out the 20 true nature of people."</p> <p>21 A. Uh-huh.</p> <p>22 Q. Would that be disclosure of a trade secret?</p> <p>23 A. In itself, no.</p> <p>24 Q. Okay, since you'd agree that's a fairly banal 25 idea?</p>

<p style="text-align: center;">Page 197</p> <p>1 A. Well, I would -- just like every trade secret 2 is made of common letters, I would say most trade 3 secrets are made of banal ideas.</p> <p>4 Q. Next paragraph under "Mystical Manipulation," 5 you drew on the side lines, "The claim of divine 6 authority or spiritual advancement that allows the 7 leader to reinterpret events as he or she wishes, or 8 make prophesies or pronouncements at will, all for 9 the purpose of control" -- "at will, all for the 10 purpose of controlling group members."</p> <p>11 A. Uh-huh.</p> <p>12 Q. Were you indicating that that's a trade 13 secret of NXIVM's?</p> <p>14 A. One of the important things of NXIVM is that 15 we are what you might call anti-mysticism. We are 16 critical thinkers. We use scientific model. We 17 take things down to assumptions. We go beyond 18 assumptions, breaking those down further.</p> <p>19 To speak of these sort of things starts to go 20 towards those trade secrets. Again, in itself, no; 21 and that's why I asked you. Here is a -- a 22 situation where in the middle of this paragraph you 23 have Lifton being quoted.</p> <p>24 Q. Uh-huh.</p> <p>25 A. Now, the question is can I use quotes from</p>	<p style="text-align: center;">Page 199</p> <p>1 that wrote the articles may well have acted together 2 as competitors. It's -- there are a lot of issues 3 here.</p> <p>4 Q. You're saying -- and who are the people who 5 you understand wrote the articles?</p> <p>6 A. I think Paul Martin wrote this article. Is 7 that correct?</p> <p>8 Q. Right.</p> <p>9 A. John Hochman wrote the other article, and 10 Paul Martin wrote two articles so two by Paul Martin 11 and one by John Hochman.</p> <p>12 Q. What evidence do you have that they acted 13 together in writing the articles?</p> <p>14 A. There's fingerprints.</p> <p>15 Q. I'm not asking for detective work. What 16 evidence do you have?</p> <p>17 A. Okay. We've had about 8,000 students come 18 through our course, and we've had many people from 19 the outside world look at it or whatever. There are 20 some mistakes that people can make looking at our 21 information, but then there are some errors that are 22 not just random. They're -- they're very 23 unprobabilistic oversights.</p> <p>24 In the John Hochman article he mentions 25 that we've had over 400,000 people through the</p>
<p style="text-align: center;">Page 198</p> <p>1 other authors to reveal a trade secret? Well, 2 certainly I could quote sentences from many, many 3 authors, put those sentences together and tell you 4 anything about any trade secret. So that's why I 5 put a little sort of arrow. I didn't underline it 6 specifically, but this -- this starts to beg the 7 question, not only talking about certain subject 8 matters but utilizing other authors and quoting them 9 to bring concepts across. When you have improperly 10 -- when you improperly have trade secrets, that can 11 be used to not only reveal them but utilize them to 12 your own benefit, especially if you're a competitor.</p> <p>13 Q. But standing alone, that sentence would not 14 reveal a trade secret of NXIVM's?</p> <p>15 A. It may if it were the final piece in a 16 puzzle.</p> <p>17 Q. Do these three articles taken together 18 provide the whole puzzle?</p> <p>19 A. Hard to tell.</p> <p>20 Q. Are you saying that 30 years of your life's 21 work might be captured by three articles?</p> <p>22 A. Well, I have more than one trade secret. I 23 think we probably have hundreds of them. I think 24 that in -- it's hard to say how astute someone is in 25 reading the articles. I also think that the people</p>	<p style="text-align: center;">Page 200</p> <p>1 organization. That is, especially for someone who 2 is studying the material, probably derived from the 3 website where it mentions in my past company there 4 were over 400,000 people. John Hochman made a 5 pretty strange error -- no one's made this error 6 before that we know of -- that somehow ESP has had 7 400,000 people through it. It struck me when I read 8 this article last night that Paul Martin also 9 mentions that we've had 400,000 people through ESP, 10 which means to me that there's a likelihood that 11 either John Hochman got this from Paul Martin, Paul 12 Martin got this from John Hochman or they both got 13 it from Rick Ross, but there is a -- if you give me 14 a few seconds, I can find where he mentions it. It 15 may not be in this article. It may be -- which is 16 the one I read last night?</p> <p>17 Do you have the Exhibit Number of what I read 18 last night?</p> <p>19 MR. CAMPION: 8.</p> <p>20 A. 8.</p> <p>21 Q. It should be up --</p> <p>22 A. I'm in 6. Wait a few seconds. 8.</p> <p>23 On Page 5 he starts to talk, "Keith Raniere 24 who has trained" -- or about halfway down, I put a 25 little dot for you, actually. "Keith Raniere who</p>

Page 201	Page 203
<p>1 has trained over 400,000 followers who are now 2 rapidly accumulating most of the world's wealth."</p> <p>3 We've had a number of people on blogs and 4 things like that, you know, say all sorts of things. 5 People don't make that error. That's a pretty what 6 you might call careless, unprobable error. Both 7 Hochman and Martin make the same error.</p> <p>8 Q. So you find it improbable that it's a 9 coincidence?</p> <p>10 A. I find that there is a likelihood it's not a 11 coincidence.</p> <p>12 I think that with -- if you read, for 13 example, the Hochman settlement and some of the 14 other issues involved, make it a very reasonable 15 hypothesis, also, that it's not just a coincidence.</p> <p>16 Q. When you say "the Hochman settlement," what 17 are you referring to?</p> <p>18 A. There is a settlement that John Hochman has 19 with NXIVM.</p> <p>20 Q. And what does he say in that settlement 21 document that leads you to believe --</p> <p>22 A. Well, there is --</p> <p>23 Q. -- that his errors were not honest?</p> <p>24 A. It's not that his errors were not honest. 25 It's that it appears that he does not view his</p>	<p>1 results may well have been different. I -- I don't 2 have the settlement in front of me to quote, and I 3 only saw it briefly.</p> <p>4 Q. Is it your understanding that the District 5 Court in that case dismissed NXIVM's claims against 6 Mr. Hochman?</p> <p>7 A. It is my understanding that NXIVM had a 8 court case against Hochman. They were dismissed, so 9 Hochman had won that; and although it was dismissed 10 and Hochman had won, he still settled instead of 11 going to the Court of Appeals, and it seemed like he 12 made some -- for someone who has won a court case 13 made some pretty strong statements.</p> <p>14 Q. Are you aware of any favorable articles that 15 have been published concerning NXIVM?</p> <p>16 A. I don't -- I don't think so. I'm trying to 17 think. I don't think so.</p> <p>18 Q. Getting back to Raniere-6, I'd like you to 19 take a look at the third from last page.</p> <p>20 A. Raniere-6, third from last. Can you give me 21 a --</p> <p>22 Q. The Bates stamp number is P3658.</p> <p>23 A. Oh, thank you.</p> <p>24 THE WITNESS: I'm sorry. I said thank 25 you.</p>
<p>1 article as a scientific study. It appears that he 2 incorporated what he saw as Rick Ross' negative view 3 into his study. If that be the case, he has some 4 reason for believing Rick Ross has a negative view 5 through some sort of a communication. It's also 6 possible to assume that such a communication 7 occurred with Paul Martin.</p> <p>8 Q. What is the Rick Ross --</p> <p>9 MR. SKOLNIK: Harold, one moment.</p> <p>10 Mr. Raniere has just testified about a 11 settlement agreement that has not be produced in 12 this case; and I call for its production, please.</p> <p>13 MR. McGUIRE: It's confidential.</p> <p>14 MR. SKOLNIK: We'll take it under our 15 confidentiality order.</p> <p>16 MR. McGUIRE: We'll see.</p> <p>17 BY MR. KOFMAN:</p> <p>18 Q. What in the Hochman settlement documents 19 indicates that he did not view his article as a 20 scientific method?</p> <p>21 A. I -- I only -- I did not see the full thing. 22 There is an affidavit of sorts, testimony. I 23 believe he said that it was not meant as a 24 scientific study. Had he done the normal process 25 of a peer-reviewed scientific report that the</p>	<p>1 MR. SKOLNIK: Harold, where are you? 2 MR. KOFMAN: P3658 on Raniere-6.</p> <p>3 A. Uh-huh.</p> <p>4 Q. Do you see that the third from the bottom is 5 the -- is a quote from Work and Value.</p> <p>6 A. Uh-huh.</p> <p>7 Q. And the quote is, "This practice session will 8 give you a clear definition of work, an appreciation 9 of civilization and what it has given us, 10 humankind's purpose, and our own value in the 11 world."</p> <p>12 Does that statement standing alone constitute 13 a trade secret of NXIVM?</p> <p>14 A. Again, what I see on this page are a series 15 -- the whole page is quotes. As a matter of fact, 16 on the bottom, I probably forgot to mark one because 17 there is a quote here out of Tribute - 5th 18 Integration which not only gives the quote of the 19 module but the place in the curriculum.</p> <p>20 Could you mark that, that that also --</p> <p>21 Q. If you'd mark it on that --</p> <p>22 A. Okay.</p> <p>23 Q. -- the Exhibit copy.</p> <p>24 THE WITNESS: And anyone else who has 25 copies.</p>

<p style="text-align: right;">Page 205</p> <p>1 Continuing...</p> <p>2 A. So each of these are quotes directly out of</p> <p>3 the trade secret protected module -- the manual. I</p> <p>4 do believe that the concepts behind this and the</p> <p>5 order of the concepts behind this certainly are</p> <p>6 trade secrets. I think that this potentially</p> <p>7 provides a window, certainly provides a small window</p> <p>8 into the manual. This page is all quotes from the</p> <p>9 manual. It may as well just have quoted the manual</p> <p>10 and asked me if each quote out of the manual reveals</p> <p>11 a trade secret.</p> <p>12 Q. Is there any trade -- do any of these quotes</p> <p>13 standing alone reveal a trade secret of NXIVM in it</p> <p>14 -- in its entirety?</p> <p>15 A. I don't know.</p> <p>16 Q. Are any trade secrets in their entirety</p> <p>17 revealed anywhere in this article?</p> <p>18 A. I don't know.</p> <p>19 Q. How about in the previous article, A Forensic</p> <p>20 Psych -- Raniere-5?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Let's turn to Raniere Number 8, which</p> <p>23 is the document that you looked at last night.</p> <p>24 Are any trade secrets in their entirety</p> <p>25 revealed in this article?</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Uh-huh.</p> <p>2 Q. What does that phrase mean?</p> <p>3 A. Well, I think that's something that is</p> <p>4 answered with more examination. You have to</p> <p>5 understand what a victim is and then what you mean</p> <p>6 in the ultimate sense, what is a victim.</p> <p>7 I mean, do you want a brief explanation?</p> <p>8 Q. Yes.</p> <p>9 A. I mean, I hate to go to extremes; but if you</p> <p>10 have two people being tortured, one person can have</p> <p>11 tremendous suffering and the other not. What the</p> <p>12 person ultimately has as their emotional state is</p> <p>13 personal and private to them and is independent of</p> <p>14 -- it is not, if you will, an objective state, as in</p> <p>15 humankind right now, we don't know of any objective</p> <p>16 external circumstances that can inspire a specific</p> <p>17 objective experience of emotion within you which</p> <p>18 means there is a certain voluntary capacity that you</p> <p>19 have for joy. So by saying there are no ultimate</p> <p>20 victims it says that ultimately, no matter how bad</p> <p>21 the circumstances are, you can have different</p> <p>22 amounts of joy that are independent to some degree</p> <p>23 of those circumstances and it holds a promise if --</p> <p>24 if you believe there are no ultimate victims, then</p> <p>25 you believe, I believe that humans can increase</p>
<p style="text-align: right;">Page 206</p> <p>1 A. You're -- you know, I'd like to answer your</p> <p>2 question other than "I don't know," but just like if</p> <p>3 you've ever seen a mystery movie or whatever, it is</p> <p>4 quite possible for people to deduce absolutely</p> <p>5 solutions and possibly trade secrets that I haven't</p> <p>6 deduced.</p> <p>7 Q. Are you aware of any trade secrets that are</p> <p>8 revealed -- strike that -- that are disclosed in</p> <p>9 their entirety in this article?</p> <p>10 MR. McGuire: Object to the form of the</p> <p>11 question.</p> <p>12 Q. Are you aware of any trade secrets that are</p> <p>13 disclosed in their entirety in this article?</p> <p>14 MR. McGuire: Same objection.</p> <p>15 A. Is that the same question? I'm not</p> <p>16 understanding the difference.</p> <p>17 Q. You can answer. He's just preserving an</p> <p>18 objection.</p> <p>19 A. Oh, I'm not sure.</p> <p>20 Q. Okay. Paragraph -- on this document, looking</p> <p>21 at P3677. It's about -- I think it's the fourth</p> <p>22 page.</p> <p>23 A. Yes.</p> <p>24 Q. It says there, "Number five, maintains that</p> <p>25 'There are no ultimate victims.'"</p>	<p style="text-align: right;">Page 208</p> <p>1 their capacity to have joy even in adverse</p> <p>2 situations.</p> <p>3 Q. Have you ever read an article that Stephanie</p> <p>4 Franco wrote -- strike that.</p> <p>5 Have you ever read anything that Stephanie</p> <p>6 Franco has written?</p> <p>7 A. Not in the entirety.</p> <p>8 Q. What have you read from Stephanie Franco?</p> <p>9 A. I saw an ad of hers for -- I think it was for</p> <p>10 her therapy services or her website. I saw her</p> <p>11 business card and I think -- I don't know if she --</p> <p>12 I'm not sure if I saw her business card. I -- I</p> <p>13 have a memory of that.</p> <p>14 MR. KOFMAN: Okay. Let's take a</p> <p>15 two-minute break, and then I'm going to go into</p> <p>16 another area.</p> <p>17 MR. CAMPION: Sure.</p> <p>18 THE VIDEOGRAPHER: We're going off the</p> <p>19 record at 10:40.</p> <p>20 (At this point, there was a short</p> <p>21 recess.)</p> <p>22 (Affidavit of Keith Raniere signed</p> <p>23 August 22, 2003, with attached Exhibits was received</p> <p>24 and marked Defendant's Exhibit Raniere-11 for</p> <p>25 Identification.)</p>

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1 THE VIDEOGRAPHER: This is the beginning
2 of Tape Number 2. The time is 10:56. We're on.
3 BY MR. KOFMAN:
4 Q. Okay. Mr. Raniere, I'm going to show you a
5 document that's been marked as Raniere-11 and ask if
6 you can take a look at that, please.
7 A. (Witness complies.)
8 Q. Do you recognize that document?
9 A. Yes.
10 Q. What is the document?
11 A. It appears to be my Affidavit, and I checked
12 and it has my signature on the back, so I assume it
13 is so.
14 Q. Okay. That was going to be my next question.
15 Did you draft the Affidavit?
16 A. I was certainly involved in the drafting.
17 Q. Did you review the Affidavit before you
18 signed it?
19 A. Yes.
20 Q. And did you determine that the statements
21 there were accurate?
22 A. Yes.
23 Q. Okay. Do you recall if you made any changes
24 to the Affidavit before signing it?
25 A. No. This was very -- this was quite long

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1 ago.
2 Q. You don't recall?
3 A. I don't recall.
4 Q. I'd like you to turn your attention to
5 Paragraph 4.
6 A. Uh-huh.
7 Q. The first sentence says, "Three of the
8 copyrighted materials currently posted on the
9 internet, 12-Point Mission Statement, Work and Value
10 and Face of the Universe, reveal the content and
11 methodologies that are critical to the heart of the
12 entire coursework."
13 Is it your contention that 12 point Mission
14 Statement, Work and Value and Face of the Universe
15 were ever posted on the internet in their entirety?
16 A. I don't -- I don't know if they were posted
17 in their entirety. Certainly key important
18 elements, and I don't think any portion of them was
19 supposed to be posted.
20 Q. Okay. Did it ever come to your attention
21 that the entire documents were posted on the
22 internet?
23 A. No, it has not.
24 Q. Okay. Getting down a little further in that
25 same paragraph, it says "Consumers that read the

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1 passages may no longer desire to attend a course
2 wherein the material has been freely given to them."
3 Has any consumer ever told you that they
4 didn't take a NXIVM course because the information
5 was available for free on the internet?
6 A. That may have been so. I believe people in
7 the least have said, "I have read these articles. I
8 have no need to take your course."
9 But, you know, there have been so many
10 instances, thousands, I believe, of incident --
11 instances like that, I don't know specifically.
12 Q. Well, let's talk about conversations that
13 you've had.
14 Has anyone said to you, I don't have any need
15 to take this course because of these articles?
16 A. No, not that I recall.
17 Q. Okay, and has anyone said to you -- strike
18 that.
19 Paragraph 5 of your Affidavit under the
20 heading "Mail and email."
21 A. Uh-huh.
22 Q. The first sentence, it says, "An information
23 pack has been sent to key people interfacing with
24 our organization containing these false facts and
25 our copyrighted material."

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1 Did you ever see a copy of the information
2 pack that you refer to in that paragraph?
3 A. I'm not sure. I have seen several
4 "information packs."
5 I do remember seeing a pack that was sent to
6 a person. I'm trying to think of when it was 'cause
7 when I wrote this statement I had -- I believe I had
8 a specific pack in mind, but I can't recall what it
9 is.
10 Q. Did you -- did you ever see that pack?
11 A. From reading this, I may -- well may have.
12 I've seen a number of information packs sent around,
13 so to speak, even recently at universities and
14 things like that.
15 Q. Do you know who sent the information pack
16 that you're referring to in Paragraph 5?
17 A. No, not off the top of my head. No, I don't.
18 Q. Do you know what it contained?
19 A. Probably copies of the articles; the Hochman
20 report, the Martin articles. That's my guess.
21 Q. Is that -- well, I'd ask you not to guess.
22 Did you ever -- do you know one way or the other
23 what was in that information pack?
24 A. No.
25 Q. Do you know who received it?

<p style="text-align: right;">Page 213</p> <p>1 A. No, I don't remember at the time -- right 2 now. 3 Q. So it's the case that you don't remember much 4 -- recall much about that information pack? 5 A. Correct. 6 Q. At least as to that subject, I guess your 7 recall isn't total or even partial? 8 A. Well, there have been many information packs. 9 Q. Okay. Going a little further in that 10 sentence, "I have received messages and a 11 threatening e-mail addressed from a neighbor." 12 A. Uh-huh. 13 Q. When you say you've received messages, what 14 are you referring to? 15 A. Phone messages, written messages put on the 16 car, people driving up and threatening verbally; 17 things like that. 18 Q. Did you save any of the written messages? 19 A. I may -- there may be, but I'm not sure. 20 It's an ongoing thing. 21 Q. Did you turn any of those over to a lawyer? 22 A. I'm not sure. I don't know what went through 23 discovery. I tend not to keep -- if there are like 24 tapes or whatever, I tend not to keep them. Papers 25 that I have are either filed or if I write something</p>	<p>1 tape. 2 Q. Did your lawyers ever -- after you put this 3 in the Affidavit, did your lawyers ever ask to hear 4 the tape? 5 A. I don't know. I don't keep track -- I don't 6 keep possession of the tapes. 7 Q. Did your lawyers ever ask you to hear the 8 tape? 9 THE VIDEOGRAPHER: BlackBerries, turn 10 them off. 11 MR. KOFMAN: Are we off the record? 12 THE VIDEOGRAPHER: No, we're still on. 13 Continuing... 14 A. No. 15 Q. Okay. 16 A. I never mentioned it to them. 17 MR. KOFMAN: I'd like to make a request 18 for copies of any tapes, conversations. 19 Mark the record. 20 MR. CAMPION: You'll include that 21 in the letter you described yesterday? 22 MR. KOFMAN: Absolutely. 23 MR. CAMPION: Thank you. 24 (Request.) 25</p>
<p style="text-align: right;">Page 214</p> <p>1 or I'm involved with something else, often I don't 2 have the paper. 3 Q. Let's go back. When you say "tapes," what do 4 you mean, tapes that you don't keep? 5 A. In other words, if I go and I'm, for example, 6 giving a forum, I will go and give a forum. They 7 will tape what I say in the forum, what goes on in 8 the forum; but I don't have those tapes. 9 Q. How about tapes of any threatening messages 10 that you got? 11 A. I am not sure if such a tape exists. There 12 is a possibility that there is one. 13 Q. Did it ever exist -- okay. What makes you 14 believe that there may be a tape? 15 A. Because once when I was on a walk -- and I 16 walk -- I used to walk daily 8 to 12 miles, and what 17 I would do in the walks at times were have meetings 18 with people. People would tape those meetings. 19 There were a number of occasions where people drove 20 up in cars, threw things, screamed, cursed. Several 21 neighbors came down and said very hostile things. I 22 think there were -- there might have been at least 23 one occasion where such an interaction was taped; 24 but, as I said, it happens frequently; and I've 25 walked quite a bit, but I think there might be a</p>	<p style="text-align: right;">Page 216</p> <p>1 BY MR. KOFMAN: 2 Q. What were some of the things -- who were the 3 neighbors who yelled things at you? 4 A. I don't know their names and some of them 5 might -- people who appear not to live necessarily 6 where I walk waiting to run into me or whatever 7 so -- 8 Q. So there were people who were waiting for you 9 on your walk? 10 A. Uh-huh. 11 Q. Do you walk the same time every day? 12 A. Sometimes. I walk quite a bit, 8 to 12 -- I 13 don't now. In the past year, I have not walked that 14 much -- two years even -- but certainly before a 15 year or before two years I was walking 8 to 12 miles 16 a day. 17 Q. Anybody yell anything at you before August 18 2003? 19 A. No. 20 Q. What did they yell at you that -- that's 21 referenced in this paragraph? 22 A. Well, "You're a cult. You're killing people. 23 You should be killed." 24 Nancy had her house being built. It was -- 25 the picture of it was in the paper, and there was a</p>

1 security system being installed so one person came
 2 up and said and also said to other people, "Oh, they
 3 better have a security system in there. You guys
 4 are going to need it. I hope you get killed."

5 Q. Did they say that to you, or was that to
 6 Nancy?

7 A. To me.

8 Q. Okay.

9 A. And I believe they might have said that to
 10 Nancy. Although Nancy's not under deposition right
 11 now, you may want to ask her.

12 Q. Did you report anything to the police?

13 A. We have tried at times to report things to
 14 police or have actions done like the indictment of
 15 Joe O'Hara. Most of the time we are ignored.

16 Q. Did you report any of these instances where
 17 people have yelled threatening things to you to the
 18 police?

19 A. No. It's -- I haven't had too many occasions
 20 where there's a threat from a person -- a given
 21 individual more than once or it's a chronic thing.

22 Q. And you didn't feel any of these threats were
 23 credible?

24 A. I feel they're credible. I feel there's
 25 nothing I can do about them.

1 Q. How did you hear about that?

2 A. There was a friend who had, I believe a
 3 janitor that worked not only in the church but was
 4 part of the parish.

5 And this is -- this is several levels of
 6 information.

7 Q. The e-mails, how do you know they were from
 8 neighbors? Did people give their names?

9 A. Sometimes.

10 Q. And the names you recognized as being
 11 neighbors?

12 A. Sometimes.

13 Q. What did you do with the e-mails?

14 A. They're on some computer, some hard drive
 15 that's probably long gone. When I did a search
 16 through my e-mails, I think that would have been
 17 something I would have turned over. I know that was
 18 something that would have been relevant, and they're
 19 not in my e-mails currently.

20 Q. Did you download any of these e-mails.

21 A. They automatically download if they're on the
 22 Kunterre account. On the NXIVM account, they would
 23 have been held on the server except we had a virus
 24 attack the -- there was a time when a group was
 25 attacking Scientology, and it was claimed because of

1 Q. So you didn't report any of those threats to
 2 the police?

3 A. Correct.

4 Q. Okay. It says here that you received a
 5 threatening e-mail addressed from a neighbor.

6 A. Yes.

7 Q. What did the e-mail say?

8 A. I don't remember offhand. There have
 9 actually been a number of threatening e-mails from
 10 neighbors. Normally they say things like, you know,
 11 "You're a cult. You're evil. We know where you
 12 live." They -- they make a lot of threats. "You
 13 better watch where you go," things like that.

14 They're normally nothing direct like, "We're
 15 going to kill you," although sometimes the verbal
 16 threats are that way.

17 There was a church in our area that I had
 18 also heard rumor made announcements to that effect.

19 Q. Made announcements to what effect?

20 A. That there was a cult in the area and that
 21 all the parishioners should be careful and watch out
 22 and -- a warning.

23 Q. What was the name of the church?

24 A. I don't remember. I know it was -- I could
 25 probably find out if I questioned.

1 Rick Ross' site -- but I don't know if this is
 2 true -- that we were viewed as a Scientology front
 3 so they attacked our server, and we had to change
 4 all of our hard drives and so a lot was lost.

5 Q. When was that?

6 A. I don't know. When was the date that there
 7 was -- it was -- it made major news, and it shut
 8 down our server. It was probably like a
 9 year-and-a-half ago.

10 Q. Did you print out any of the e-mails that
 11 were sent to -- any of the threatening e-mails?

12 A. Not for myself, but I believe some of them
 13 were printed out.

14 Q. By who?

15 A. Well, if they're sent on the NXIVM server,
 16 they're probab -- they were printed out by NXIVM. I
 17 didn't print out any of the e-mails that came to my
 18 personal e-mail.

19 Q. Did you consider them evidence in connection
 20 with this case?

21 A. No.

22 Q. You've been in litigation before, haven't
 23 you?

24 A. Yeah.

25 Q. Have you ever been instructed to preserve

<p style="text-align: right;">Page 221</p> <p>1 documents?</p> <p>2 A. I think relevant documents. Something where</p> <p>3 someone says you better watch out or whatever, it</p> <p>4 seems to me like a silly document especially if you</p> <p>5 -- you present a hundred of those documents when you</p> <p>6 have things that are far more egregious and far more</p> <p>7 demonstrable.</p> <p>8 Q. It was relevant enough for you to put in this</p> <p>9 Affidavit, wasn't it?</p> <p>10 A. Yes.</p> <p>11 Q. But not relevant enough for you to save?</p> <p>12 A. Because there are many of them.</p> <p>13 Q. Did you save one of them?</p> <p>14 A. There might be. I'm -- I'm not positive. I</p> <p>15 know it is not on my computer. There may be a</p> <p>16 printout.</p> <p>17 MR. KOFMAN: I would make a request for</p> <p>18 one of those documents.</p> <p>19 (Request.)</p> <p>20 Q. 'Cause you understand that without actually</p> <p>21 seeing that document, it's just your word that you</p> <p>22 received these?</p> <p>23 A. Uh-huh.</p> <p>24 Q. You have to respond verbally.</p> <p>25 A. Oh, yes. I suspect because it is in this</p>	<p style="text-align: right;">Page 223</p> <p>1 A. Peter Fallon.</p> <p>2 Q. What was Mr. Fallon's rank in the group?</p> <p>3 A. I believe he was a four-stripe coach.</p> <p>4 Q. Okay. Is he a friend of yours?</p> <p>5 A. Yes, he was.</p> <p>6 Q. Did Mr. Fallon tell you why he was leaving?</p> <p>7 A. Because I believe he said his wife had phone</p> <p>8 conversations with Rick Ross. His wife became very</p> <p>9 negative on the organization, and he did not want</p> <p>10 that conflict in his life.</p> <p>11 Q. Did he indicate anything about the trade</p> <p>12 secrets being disclosed as a reason for him leaving?</p> <p>13 Strike that.</p> <p>14 Back up. Was that a conversation he had</p> <p>15 with you or with someone else that was reported to</p> <p>16 you?</p> <p>17 A. He said some of that to me, I believe, and I</p> <p>18 think he had numerous conversations with other</p> <p>19 people. I used to play volleyball with him.</p> <p>20 Q. Did he -- have you had any contact with him</p> <p>21 since 2003?</p> <p>22 A. Yes.</p> <p>23 Q. Did NXIVM ever make an effort to have him</p> <p>24 come back?</p> <p>25 A. Could you please define what you mean by</p>
<p style="text-align: right;">Page 222</p> <p>1 Affidavit there is probably a copy of it. I doubt I</p> <p>2 would want it -- I would mention it if there wasn't</p> <p>3 such a thing.</p> <p>4 MR. KOFMAN: It's been -- I'll put on</p> <p>5 the record that that's already -- that's been</p> <p>6 requested previously in this litigation as has the</p> <p>7 information pack and never been produced. I'll</p> <p>8 repeat the request now and follow up with a letter.</p> <p>9 (Request.)</p> <p>10 BY MR. KOFMAN:</p> <p>11 Q. You said at some point things have been</p> <p>12 thrown at you?</p> <p>13 A. Uh-huh.</p> <p>14 Q. You report those instances --</p> <p>15 You have to answer with a "yes" or a "no."</p> <p>16 A. Oh, yes.</p> <p>17 Q. You report those instances to the police?</p> <p>18 A. No.</p> <p>19 Q. Same paragraph, Paragraph 5, under "Loss of</p> <p>20 key people."</p> <p>21 A. Yes.</p> <p>22 Q. It says, "We have even lost a 4 year veteran</p> <p>23 Principal Coach."</p> <p>24 A. Yeah.</p> <p>25 Q. Who are you referring to?</p>	<p style="text-align: right;">Page 224</p> <p>1 effort to come back?</p> <p>2 Q. Did you ever ask him to come back to the</p> <p>3 program?</p> <p>4 A. You mean take other courses? Do you mean</p> <p>5 come to a volleyball game? Do you mean --</p> <p>6 Q. Come take courses.</p> <p>7 A. I don't -- I don't think so. It may be</p> <p>8 possible because at times he's wanted to be informed</p> <p>9 of things and at times not.</p> <p>10 Q. Okay. When he left, did he return any course</p> <p>11 materials to NXIVM?</p> <p>12 A. I think he did. I'm not sure.</p> <p>13 Q. Do you know one way or the other?</p> <p>14 A. I don't know one way or the other.</p> <p>15 Q. Did you ask him to return any materials?</p> <p>16 A. I don't know. I -- do you consider him --</p> <p>17 you know, he is not an active coach; and we lost him</p> <p>18 in that way in that function. He is someone who is</p> <p>19 still friendly to us, and I'm not sure what his</p> <p>20 level of involvement is with respect to interfacing</p> <p>21 with the organization.</p> <p>22 Q. Did Mr. Fallon indicate -- strike that.</p> <p>23 So Mr. Fallon indicated the reason he was</p> <p>24 leaving was because of his wife and negative things</p> <p>25 she had heard about NXIVM?</p>

<p style="text-align: right;">Page 225</p> <p>1 A. And the negative press, I believe. 2 Q. Okay. Next in this "Loss of key people" it 3 says, "Goldie Hawn cancelled her engagement with us 4 next week because of the false press." 5 A. Yes. 6 Q. Did you ever speak to Ms. Hawn? 7 A. No. 8 Q. Do you know who in the organization was 9 dealing with her? 10 A. I'm trying to think who was dealing with her 11 agent. I believe it was Barbara Bouchey. 12 Q. Did NXIVM suffer any monetary loss as a 13 result of Goldie Hawn not coming to Vanguard Week? 14 A. Yes. 15 Q. How so? 16 A. We had paid Goldie Hawn's agent \$50,000, 17 and Goldie Hawn's agent did not return the \$50,000 18 for something like two years. Goldie Hawn was very 19 upset by this, did not think it was appropriate. It 20 might have been an oversight. 21 If you call not having \$50,000 for two years 22 some sort of a damage, then yes. There's also the 23 damage of this being publicized because we keep most 24 of our people except people who give us permission 25 to say they're involved with the organization</p>	<p style="text-align: right;">Page 227</p> <p>1 they might say one in '81 or '82. 2 Q. Okay. And those -- were those all Bachelor 3 of Science degrees? 4 A. Yes. 5 Q. Do you hold any advance -- any Master's 6 degrees? 7 A. No. 8 Q. Have you ever taken any classes for a 9 Master's degree? 10 A. Yes. 11 Q. When? 12 A. Starting when I first went to college when I 13 was 17. 14 Q. Did you decide not to pursue a Master's 15 degree? 16 A. No. I -- I haven't made a decision yet. 17 Q. So you may still go back and get your 18 Master's? 19 A. Sometime. 20 Q. Okay. And what were you taking class -- 21 Master's classes in? 22 A. Well, they were actually -- they're Ph.D. 23 classes. 24 Q. Okay. 25 A. In mathematics and physics.</p>
<p style="text-align: right;">Page 226</p> <p>1 secret. So when it came out that Goldie Hawn was 2 coming, which we would never advertise, people 3 became fearful that they might be known or their 4 identities might be revealed 'cause we hold those 5 as secret, so we did have a good degree of damage 6 from that. 7 Q. Looking at Paragraph 5 where it says a 8 billionaire network founder left, is that referring 9 to Sheila Johnson? 10 A. Probably. 11 Q. Did you have a conversation with Ms. Johnson 12 about her leaving? 13 A. No. 14 Q. Did she ever return to take NXIVM classes 15 after this? 16 A. I'm not sure. 17 Q. Okay. Looking at Paragraph 8 of your 18 Affidavit, what year did you graduate from RPI? 19 A. I think officially it was '82. 20 Q. Why do you say "officially"?</p> <p>21 A. Because I have three different degrees and 22 they -- I think they consider the first degree -- 23 degree accruing in 1980. It's -- when I look and 24 they -- like on yearbooks or alumni sites, they say 25 that like I got a degree in '80, and then I think</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. Okay. Paragraph 11 you have -- the second 2 sentence -- third sentence says, "To my knowledge I 3 was the first 17 year old to take advanced 600 level 4 mathematics courses in RPI's then 153 year history." 5 A. Yes. 6 Q. What's the basis for that knowledge? 7 A. Well, RPI has not only a registrar's office 8 but has -- at the time, they had an organization 9 called IPAC which was a student-run information 10 service that would do research on odd questions. 11 So when I was going through depositions with my 12 other company with the State Corporation Commission 13 and things like that, I needed to verify all of 14 these different things. I needed to verify that I 15 was in the Guinness Book of World Records. I needed 16 to verify that I had three degrees from RPI. I 17 needed to verify each of these claims. And we tried 18 with respect to the claim of were there any other 19 triple majors; and at that point, RPI had come back 20 with no, that I was the first and that this, in 21 fact, was true. 22 Q. Have you ever learned anything different? 23 A. No. 24 Q. Okay. How long did you work at MIT Bates 25 Laboratory?</p>

<p style="text-align: right;">Page 229</p> <p>1 A. On and off for maybe a year. 2 Q. What was your title there? 3 A. I was a research -- I was a research 4 physicist and a systems programmer. 5 Q. Why did you leave MIT? 6 A. I never went to MIT. 7 Q. Why did you leave MIT Bates Laboratory? 8 A. Oh, because the physics group that I was 9 working with discontinued their project there. We 10 were renting time on the accelerator to measure 11 particle instances. 12 Q. Were you employed by MIT -- 13 A. No. 14 Q. -- by the Bates Laboratory, or were you a 15 contractor? 16 A. I was through RPI, and I was on a work-study 17 program. I'm not sure how that was funded, although 18 I do know that it was a joint project between MIT 19 and RPI so the funding for my student item or 20 whatever it is may have come from there. I don't 21 know. 22 Q. In Paragraph 13 of your Affidavit you refer 23 to something called "The Life Learning Institute." 24 A. Yeah. 25 Q. Was that ever founded?</p>	<p style="text-align: right;">Page 231</p> <p>1 There was Matol International. There was a 2 company called Nashika, I believe. 3 Q. Did you have a supervisor or someone you 4 reported to in that -- as a contractor? 5 A. No. Most of these things are very loose 6 structures. 7 Q. Looking at Paragraph 30 (sic), you refer to 8 the founding of Consumers' Buylne. Who were the 9 four friends with whom you started Consumers' 10 Buylne? 11 MR. McGUIRE: What Paragraph? 12 MR. KOFMAN: Paragraph 30. 13 MR. McGUIRE: Thank you. 14 Continuing... 15 A. Kristin Keeffe was one of them, a gentleman 16 named Dave Bush was another, a woman named Pam 17 Cafritz was another and a woman named Linda Smith. 18 Q. Okay. Are all of those individuals in -- 19 were all of those individuals involved in the 20 founding of Executive Success Programs? 21 A. No. 22 Q. Who was not? 23 A. Dave Bush was not, Linda Smith was not -- 24 when you say "involved in the founding" -- 25 Q. Were all of those individuals -- did all of</p>
<p style="text-align: right;">Page 230</p> <p>1 A. How do you define "founded"?</p> <p>2 Q. Did you ever -- did the Life ever -- Learning 3 Institute ever become operational?</p> <p>4 A. No.</p> <p>5 Q. Okay. What did you do for a living between 6 1984 and 1987?</p> <p>7 A. I worked for the State of New York.</p> <p>8 Q. In what capacity?</p> <p>9 A. Well, I started out in the Department of 10 Labor as a computer programmer analyst; and then I 11 moved over to the Division of Parole as their head 12 of microcomputer services, which is the same item 13 level but different responsibilities.</p> <p>14 Q. In Paragraph 18 of your Affidavit it says you 15 became an independent contractor for marketing and 16 sales organizations. What were the names of those 17 organizations?</p> <p>18 A. Well, I think the one -- I mean, there were a 19 number of them.</p> <p>20 Do you want me to go through the ones that I 21 remember?</p> <p>22 Q. Why don't you? Yeah.</p> <p>23 A. There was Prepaid Legal, there was TVC 24 Marketing. Let me see. Which thing was it saying 25 in here?</p>	<p style="text-align: right;">Page 232</p> <p>1 those individuals take classes with NXIVM?</p> <p>2 A. No, only two of them.</p> <p>3 Q. Kristin Keeffe and Ms. Cafritz?</p> <p>4 A. Oh, I'm sorry. Linda Smith has also taken 5 classes, so that's three.</p> <p>6 Q. Okay. Paragraph 28, I'm just going back a 7 little bit, you refer to a paper that you wrote that 8 "was circulated throughout my industry."</p> <p>9 A. Uh-huh.</p> <p>10 Q. What was the name of the paper?</p> <p>11 A. It didn't have a name. People at times 12 referred to it as the White Paper.</p> <p>13 Q. Was it published anywhere?</p> <p>14 A. No.</p> <p>15 Q. How was it circulated?</p> <p>16 A. People photocopied it.</p> <p>17 Q. Did you distribute it?</p> <p>18 A. No.</p> <p>19 Q. Did you write it? What did you write -- what 20 was the purpose of you writing the paper?</p> <p>21 A. I wrote the paper as an essay to give to 22 certain reps so they would understand the way it 23 worked. And they, unfortunately, took the liberty 24 of copying it; and it was circulated, and it had an 25 impact.</p>

<p style="text-align: right;">Page 233</p> <p>1 Q. Who were the people that you claim in 2 Paragraph 28 threatened you? 3 THE WITNESS: This is a person who -- 4 MR. CAMPION: Answer the question. 5 A. He was the person at the time who was head of 6 Main Street Alliance. He was a major distributor 7 with a company called Fund America at one point. 8 Howard Ruff his name is. 9 Q. Okay. What did he say to you? 10 A. Well, he gave -- he actually gave me two 11 separate phone calls. The first phone call was sort 12 of nice before the paper and before our growth. 13 When he received the paper he said, "I don't know 14 who you think you are. This industry sticks 15 together. You need to watch your step. Your 16 company is growing now, but you'll be history." 17 He was right. 18 Q. Okay. I see you've attached to your or you 19 attach to your Affidavit various Exhibits, and I'm 20 going to look at those. 21 Actually, before we do that, let's get back 22 to Paragraph 43. How many months must one be 23 observed in order to be a facilitator? 24 A. I don't know. 25 Q. Is it more than two?</p>	<p style="text-align: right;">Page 235</p> <p>1 Q. Does NXIVM have documents that explain all of 2 these gradations? 3 A. I don't know if they have documents that 4 explain all of the gradations. Some of them we have 5 no one up at those ranks yet. 6 Q. And you said -- I think you said you had the 7 highest sash rank. It was double white, was that -- 8 A. Right. 9 Q. What sash rank is Ms. Salzman? 10 A. She is what's called a prefect. All the 11 ranks, which the ranks I hadn't gotten to above what 12 are called the black sash or the mentor sash, are 13 more academic ranks. They are -- you go from mentor 14 to a senior mentor to a chancellor which oversees 15 schools to a -- what's called a prime and then 16 ultimately to a prefect, which oversees all of the 17 schools, and then you have senior prefects and 18 things like that which we don't have yet. 19 Q. So it's somewhat similar to the robes that ac 20 -- universities? 21 A. Academic. 22 Q. -- academic facilities would use? 23 A. The whole program was modeled after 24 academics. 25 Q. Looking at Appendix D or Exhibit D, what I</p>
<p style="text-align: right;">Page 234</p> <p>1 A. It depends on the person. Normally, yes. 2 There are some people that show a special aptitude 3 or are motivated. 4 Q. Paragraph 44 on Page 14 you say that Mr. -- 5 A. Paragraph 44 appears on Page 12 on my copy. 6 Q. And it continues through Page 14 -- 7 A. Oh. 8 Q. -- so I'm looking at a portion that's on 9 Page 14. 10 A. Oh, okay. 11 Q. You say that Mr. Martin incorrectly states 12 that orange sash is the highest rank. 13 A. Correct. 14 Q. What ranks -- what sashes are higher in rank 15 than orange sash? 16 A. There is a green sash, there is a blue sash, 17 there is a purple sash, there is a brown plain sash, 18 then there's a brown sash that has a black trim. 19 Q. Uh-huh. 20 A. And then there is a brown sash that has like 21 a checkerboard, and then there is a brown sash that 22 has a brown top with black tails. Then there's a 23 black sash. 24 Do you want me to go -- there are probably -- 25 there are more, a lot more.</p>	<p style="text-align: right;">Page 236</p> <p>1 want you to look at, the very last sentence on 2 Page 21. 3 A. Uh-huh. 4 Q. It says, "We have spent hundreds of thousands 5 of dollars to protect themselves and this very 6 valuable technology that is the culmination of 7 thirty years of my life." 8 How did you determine that you had spent 9 hundreds of thousands of dollars to protect trade -- 10 trade secrets? 11 A. Well, I mean, at this point, we've spent tens 12 of millions. 13 Q. Would that include litigation costs? 14 A. I think, yeah, but I believe in this 15 particular case I had heard some things about the 16 losses. I certainly knew directly of some of the 17 losses. I know some of the things that had to be 18 done to try to prevent those losses. I suspect when 19 I said we spent hundreds of thousands, I would say 20 that if it were -- if I knew pretty certainly it was 21 between a million and 2 million, to underestimate 22 it. I don't remember the exact way I derived that 23 conclusion. I am sure at the date this Affidavit 24 was signed that it is pretty simple to show it's 25 hundreds of thousands or more.</p>

<p style="text-align: right;">Page 237</p> <p>1 Q. Did someone ever itemize for you what was 2 spent to protect the trade secrets? 3 A. No. I think I itemized it myself. 4 Q. Is there any documents that exist that 5 itemize what was done to protect the trade secrets? 6 A. I don't know. 7 Q. How was the hun -- how were the hundreds of 8 thousands of dollars spent, on what? 9 A. I'm not exactly sure. Let's see. I am 10 reading the paragraph for a second -- 11 Q. Sure. 12 A. -- to see exactly what I'm referring to. 13 Okay. This talks about the trademarks and 14 the copyrights on our materials and to protect them. 15 I think I knew from Arlen, for example, that there 16 were costs even involved with his protecting, 17 trademarking the stuff, getting it registered or 18 whatever that process is, doing the litigation. 19 Q. What litigation? 20 A. Well, there's the -- way back when there 21 was a copyright action that was filed separately, I 22 believe, from the first action. I think it was a 23 second action. 24 Q. So some of that includes money that was spent 25 in this litigation?</p>	<p style="text-align: right;">Page 239</p> <p>1 posted on the internet and August 22, 2003? That's 2 what you were referring to? 3 A. Well, is this the date that this was filed, 4 that I signed this Affidavit? 5 Q. You can take a look I think on Page 15 to 6 refresh your recollection. 7 A. Well, whatever date this Affidavit was 8 signed. This says March 9, 2006, is that -- I'm 9 sorry. That's not when it was signed. 10 22nd day of August, yes, then that would be 11 true. 12 Q. Okay. 13 A. Are we done with this Exhibit? 14 Q. We are. 15 (A discussion was held off the record.) 16 MR. KOFMAN: Let's mark this as 17 Raniere-12. 18 (First Principles' Third Amended 19 Responses to Defendant Stephanie Franco's Second Set 20 of Interrogatories to First Principles was received 21 and marked Defendant's Exhibit Raniere-12 for 22 Identification.) 23 BY MR. KOFMAN: 24 Q. Raniere-12 is titled First Principles' Third 25 Amended Response to Defendant Stephanie Franco's</p>
<p style="text-align: right;">Page 238</p> <p>1 A. Let me read this to be sure that's what I was 2 referring to. 3 Q. Okay. 4 A. I think that this could easily be referring 5 to that because it says, "We have spent hundreds of 6 thousands of dollars to protect ourselves and this 7 very valuable technology that is a culmination of 8 thirty years of my life." 9 I think there had to be different -- we had 10 to hire consultants, people like that in order to 11 figure out how to protect from further attacks, 12 from further hemorrhaging from the release of this 13 copywritten (sic) information. I mean, 55 percent 14 of the Mission Statement was put out on the 15 internet. And that's the only thing that I wrote 16 so that's -- that's a difficult thing. That's not 17 good. 18 Q. So were those all expenses -- those hundreds 19 of thousands, was that all expenses that you 20 incurred between the time this was posted on the 21 internet and August 22, 2003? 22 A. If this was when the document was signed, 23 yes. 24 Q. So the hundreds of thousands of dollars was 25 what was spent between the time that information was</p>	<p style="text-align: right;">Page 240</p> <p>1 Second Set of Interrogatories to First Principles, 2 and I know that's a mouthful. 3 A. Okay. 4 Q. Have you seen this document before? 5 A. I'm not sure. 6 Q. I'd like you to turn your attention to Page 7 21. 8 A. (Witness complies.) 9 Uh-huh. 10 Q. Do you see there it contains references to 11 judgments that had been entered against you? 12 A. Under "Response" second paragraph it says, 13 "Without" -- can I read this? 14 Q. Sure, of course. 15 A. I don't know if I've ever read this. 16 Okay. 17 Q. Does this refer to judgments that had been 18 entered against you personally? 19 A. I don't know. I believe so. 20 Q. What was -- was a judgment entered in favor 21 of Knox Woods Homeowners' Association against you? 22 A. I don't know about that. 23 Q. Do you recall an -- do you know who Knox 24 Woods Homeowners' Association is? 25 A. Yes.</p>

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1 Q. Who are they?
2 A. They're the condo association that they sort
3 of do lawns. They're involved -- the sort of things
4 that you get charges as if your dog goes and does
5 bad business on someone else's lawn, there's a \$50
6 fine, things like that.

7 Q. Okay. Did -- do you have dues that you have
8 to pay to them?

9 A. Yes, there are dues.

10 Q. Was the --

11 A. I don't know what they are.

12 Q. Was the judgment entered against you related
13 to unpaid dues?

14 A. I have no idea. I don't pay the dues.

15 Q. Why not?

16 A. Because it's not my responsibility. I own
17 half of the house that I live in. I am on the title
18 half. I am not on the mortgage half. I paid money
19 up front to put into the house as down payment and
20 upgrades and options so I'm not financially between
21 Karen and myself responsible for the homeowners'
22 dues.

23 Q. That's Karen Unterreiner?

24 A. Unterreiner, yes. I believe that's tied into
25 the mortgage, but I'm not sure.

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1 Q. Okay. Do you -- do you know what the amount
2 of the judgment was?

3 A. No. I don't know of the judgment.

4 Q. The first time you're hearing about the
5 judgment was today?

6 A. I think so.

7 Q. Okay. How about a judgment entered by New
8 York State Tax Department dated May 11, 1998?

9 A. Yes.

10 Q. Are you familiar with that?

11 A. Yes.

12 Q. What does that relate to?

13 A. When I was CEO of Consumers' Buyline -- and I
14 don't know how much you know about New York State or
15 how the law works -- we had a printer, apparently,
16 and this was very remote from me within the
17 organization. We had purchased some materials that
18 were printed in Connecticut, and there was some sort
19 of use tax due that was not filed or some such thing
20 on those printed things. It is my understanding
21 that that generated a tax liability, and when a
22 corporation is moribund it rolls over to the
23 principals so there's a tax liability in my name.

24 Q. Okay. Did -- what was the amount of that?

25 A. I think it was very high. I think with --

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1 you know, I think it started out like 20 or \$30,000
2 because it was probably a few hundred thousand
3 dollars of brochures, and I think over the years
4 it's like a hundred thousand or something,
5 something I can't pay.

6 Q. Has that been paid?

7 A. As far as I know, it hasn't. I don't
8 necessarily agree with the assessment. It was
9 fought in audit and because we didn't have money
10 and because the company was going under, we couldn't
11 defend ourselves, and so the default was for it to
12 roll over; but it is as it is.

13 Q. It is presently a debt of yours?

14 A. Yes.

15 Q. Do you consider it ethical not to have paid
16 the debt?

17 A. Yes.

18 Q. Why?

19 A. Because without going into a lot of the
20 details of the debt, one, I'm not sure that the debt
21 was owed at all in the first place by Consumers'
22 Buyline. It appeared not. Two, we were not because
23 of lack of funds and certain incompetencies I think
24 on both sides, both the tax department and our side,
25 did not get to go through due process with it. And

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1 then it was rolled over unexpectedly. I was not
2 aware that that would even happen. At this point
3 in time, ethical or not, I would not have the money
4 to pay that debt.

5 Q. How about -- the third thing I think
6 identified is L.R. Credit Fine LLC, and it's a
7 judgment dated November 14, 2005.

8 Do you know what that relates to?

9 A. No.

10 Q. You never heard of L.R. Credit Fine LLC?

11 A. No. I can hypothesize.

12 Q. What's your understanding?

13 A. There is a woman, Toni Natalie, who what I
14 believe took a credit card, actually signed
15 something in my name and ran up charges. She -- we
16 went through bankruptcy litigation with her to try
17 to reveal that this had happened, but that debt was
18 transferred I think through a number of different
19 organizations that shuffled the paper. At one
20 point, I had objected to it; but I think that this
21 is probably a result of that, although I'm not sure.

22 Q. Have you made any -- were you aware of this
23 judgment before today?

24 A. No.

25 Q. Did you ever report to a credit card company

1 that Toni Natalie had used your credit card without
2 permission?

3 A. Yes.

4 Q. What was their response?

5 A. Okay. They wanted me to send them
6 documentation. I sent them documentation, heard
7 nothing from them for a long time and then heard
8 from another company that had purchased, whatever,
9 the paperwork; and I don't know how it went from
10 there. Just it's an ongoing thing.

11 Q. Okay. That's all for that document.

12 MR. KOFMAN: Mark this as Raniere -- is
13 it 12 or 13?

14 THE REPORTER: 13.

15 MR. KOFMAN: 13.

16 (12 Point Mission Statement Bates
17 stamped SF 00329 was received and marked Defendant's
18 Exhibit Raniere-13 for Identification.)

19 BY MR. KOFMAN:

20 Q. Raniere-13 is a document entitled "12 Point
21 Mission Statement By Keith Raniere."

22 Do you recognize this document?

23 A. Yes.

24 Q. Is that the Mission Statement that you wrote?

25 A. This appears to be the Mission Statement I

1 the world -- if the monies and the efforts of the
2 people were respected in the world and that was
3 controlled ethically, the world would be a better
4 place.

5 Q. What's the phrase, "within my success plan"
6 mean?

7 A. That means that whatever a person sees in
8 life -- you're not saying to the person, "Look, you
9 must earn a lot of money and you must control the
10 money."

11 It is within what you think, you envision
12 yourself in the world, what your -- your vision of
13 success for yourself is. You will hold the efforts
14 that people back money with as something sacred, and
15 that money will not be just disregarded.

16 Q. Okay. Do you have a success plan?

17 A. Yes.

18 Q. What is your success plan?

19 A. To try to inspire joy in the world, and it
20 changes. Right now, to try to inspire a nonviolent
21 conflict resolution in Mexico. I devote quite a bit
22 of thought and effort to that.

23 I've worked on a program called Human
24 Essentials which are practices that all the
25 different people, classes within Mexico can do that

1 wrote, yes.

2 Q. Looking at the next-to-last Mission
3 Statement, the sentence, "I pledge to ethically
4 control as much of the money, wealth and resources
5 of the world as possible within my success plan" --

6 A. Uh-huh.

7 Q. -- can you explain to me what that means?

8 THE WITNESS: Well, this is under
9 confidence; yes?

10 MR. CAMPION: It is.

11 A. Okay. If you think of the value of money --
12 if you think of the value of money, and money is
13 made valuable by people's efforts, the reason why
14 money can work is if people are willing to work for
15 it. And a metaphor that is used is if there was a
16 slave auction downtown and slaves were for sale, you
17 know, would you go and buy them? And a lot of
18 people say, "Oh, I'd have nothing to do with it,
19 nothing to do with it." But wouldn't you buy them
20 to set them free?

21 Now, if there's a certain amount of money in
22 the world and there's people's efforts that are used
23 to back it, if that money is controlled by people
24 who are not ethical, those efforts are being
25 harnessed in a not ethical way. I believe that if

1 will inspire nonviolent conflict resolution. And I
2 can go into more detail if you want.

3 Q. Is it fair to say your success plan doesn't
4 include getting enough money to pay the State of New
5 York tax obligation?

6 MR. CAMPION: I object to the form of
7 that question.

8 Counsel, you know better than that.

9 MR. McGUIRE: Join.

10 MR. KOFMAN: I'll withdraw the question.

11 BY MR. KOFMAN:

12 Q. Looking at the next Mission Statement -- and,
13 by the way, what is -- can you explain to me just
14 generally what the Mission Statement is?

15 A. Originally the Mission Statement was an
16 expression. It's more of a poem in some ways.
17 it's -- I wrote it pretty quickly, and it contains
18 numerous errors. We've actually had not only
19 numerous suggestions but a possibility of changing
20 different things, but it's seen in itself as a --
21 more of a poetic expression. It expresses many of
22 the ideas in ESP, but it also expresses some of the
23 legal con -- the legal concepts of confidentiality
24 that are important, and we want to be sure that
25 people not only in signing agreements but in a

<p style="text-align: right;">Page 249</p> <p>1 written sense under -- in a verbal sense understand 2 that this information is confidential and to be 3 guarded. It was our intent when we began ESP to 4 find every way possible to guard the information as 5 confidential, as our private property, and it was 6 incorporated in this.</p> <p>7 Q. Would you agree that these are fundamental 8 precepts of the organization?</p> <p>9 A. I'm not sure what you mean by "fundamental 10 precepts."</p> <p>11 Q. Okay. Am I correct that the 12 Point Mission 12 Statement is recited before each class at NXIVM?</p> <p>13 A. Yes, unless they're in a group of classes. 14 Then it's recited once.</p> <p>15 Q. Okay. Looking at the last --</p> <p>16 A. I need to make an amendment to that.</p> <p>17 Q. Sure.</p> <p>18 A. In certain programs. There are certain 19 programs where it is not recited.</p> <p>20 Q. Which programs is it recited in?</p> <p>21 A. Ethos, the Intensive; but not Origins. You 22 know, I don't know if it's recited in the Ethicist 23 training. It won't be recited in Human Essentials.</p> <p>24 Q. Looking at the last paragraph of the Mission 25 Statement, the last sentence says, "I pledge to</p>	<p style="text-align: right;">Page 251</p> <p>1 the term "enroll," it can include a passive act? 2 A. Yes, absolutely.</p> <p>3 THE VIDEOGRAPHER: Excuse me. We have 4 to change tapes.</p> <p>5 MR. KOFMAN: Okay. 6 (A discussion was held off the record.)</p> <p>7 THE VIDEOGRAPHER: We're back on the 8 record. The time is 11:54.</p> <p>9 MR. KOFMAN: Please mark this as 10 Raniere-14.</p> <p>11 (Confidential five-page memorandum to 12 Keith Raniere, Nancy Salzman from Joseph J. O'Hara 13 dated March 1, 2004, was received and marked 14 Defendant's Exhibit Raniere-14 for Identification.)</p> <p>15 BY MR. KOFMAN:</p> <p>16 Q. I'm going to show you a document that we've 17 marked as Raniere-14. It is a four-page (sic) 18 document that was produced to us in discovery, and 19 it claims to be a Memorandum from Joseph O -- 20 J. O'Hara to Keith Raniere and Nancy Salzman.</p> <p>21 A. Yes.</p> <p>22 Q. Have you seen that document before?</p> <p>23 A. I'm not exactly sure.</p> <p>24 Q. Does that mean you don't recall?</p> <p>25 A. There are two comments. Without reading this</p>
<p style="text-align: right;">Page 250</p> <p>1 share and enroll people in ESP and its mission for 2 myself and to help make the world a better place to 3 live."</p> <p>4 A. Uh-huh.</p> <p>5 Q. Can someone fulfill the mission of NXIVM 6 without seeking to enroll other people in the 7 course?</p> <p>8 A. Actually, yes --</p> <p>9 Q. Where does --</p> <p>10 A. But --</p> <p>11 Q. Does it say that anywhere here?</p> <p>12 A. But it depends on how you define 13 "enrollment."</p> <p>14 The word enrollment can be to go out and 15 actively try to recruit, but the enrollment in the 16 way that we use it happens naturally when you 17 believe in something. If I go out and I -- I'm a 18 vegetarian, for example. I enroll people in 19 vegetarianism. Whether they become a vegetarian or 20 not -- whether my attorneys become a vegetarian or 21 not, they see me genuinely engaged in that; and 22 either I stand as an example for someone to do it or 23 not to do it or not enough of an example to change 24 where they are, but that's the nature of enrollment.</p> <p>25 Q. So in this sense, the term -- when you use</p>	<p style="text-align: right;">Page 252</p> <p>1 document, was this produced by Joe O'Hara, or was 2 this produced by us?</p> <p>3 Q. It's got a Bates stamp number indicating that 4 it was pro -- strike that.</p> <p>5 Would that make a difference as to whether or 6 not you've seen it before?</p> <p>7 A. That would make a difference as to whether or 8 not I would trust that the document has integrity.</p> <p>9 Q. Can you explain that?</p> <p>10 A. I believe that Joe O'Hara is not honest.</p> <p>11 Q. Okay. Looking at that document, can you tell 12 whether you've seen it before, without knowing when 13 it was produced and whether -- who produced it?</p> <p>14 A. It's hard to tell and it's quite a long 15 document so...</p> <p>16 Q. Anything in that document ring a bell that 17 you've seen this before?</p> <p>18 You can take your time and read it.</p> <p>19 A. Yes. I've seen something I believe like this 20 before.</p> <p>21 Q. Would that have been back in 2004?</p> <p>22 A. It sounds like a possible date. I'm not 23 sure. Joe O'Hara had taken a VIP training program 24 with his girlfriend who at the time was, well, 25 pretty dominant of him and pretty hostile; so I</p>

<p style="text-align: right;">Page 253</p> <p>1 think it was 2004, although I'm not positive.</p> <p>2 Q. Is it -- when you bring up his girlfriend,</p> <p>3 you're saying that she may have influenced his</p> <p>4 perceptions of the group?</p> <p>5 A. I definitely believe not only that she</p> <p>6 influenced his perceptions of the group but maybe</p> <p>7 influenced many of his actions.</p> <p>8 Q. Did you or Ms. Salzman ask Mr. O'Hara to take</p> <p>9 the class, the VIP training class?</p> <p>10 A. I did not. I don't know if she did.</p> <p>11 Q. Did you attend the training session that he</p> <p>12 refers to which took place between February 18</p> <p>13 through February 22, 2004?</p> <p>14 A. No. It -- yeah -- no, I have never attended</p> <p>15 a training in New York City.</p> <p>16 Q. Looking at this, on Page 2 he refers to</p> <p>17 Content.</p> <p>18 A. Page 2, Content, yes, Number III.</p> <p>19 Q. If you look --</p> <p>20 A. Section III.</p> <p>21 Q. And then if you look on the next page, it</p> <p>22 lists a number of items. The next page, Item 4 --</p> <p>23 A. Go ahead.</p> <p>24 Q. -- concerns the Explorations of Meaning</p> <p>25 sessions.</p>	<p style="text-align: right;">Page 255</p> <p>1 we changed it, but I don't think so.</p> <p>2 Q. Okay. Paragraph 6 he refers to the ESP</p> <p>3 philosophy taking on too many "big time opponents"</p> <p>4 at once (e.g., Professional Sports, the U.S. Tax</p> <p>5 System, Labor Unions, Attorneys General, Religion,</p> <p>6 et cetera.</p> <p>7 What is taught in NXIVM classes about</p> <p>8 professional sports?</p> <p>9 A. Now, I don't know what he's talking about.</p> <p>10 At times, Joe was extremely erratic. At the time</p> <p>11 when I interacted with Joe, I had hoped that it was</p> <p>12 just honest erraticism; but after we found out that</p> <p>13 he was stealing money from us, it sheds it in a</p> <p>14 different light, and I do believe he was stealing</p> <p>15 money from us.</p> <p>16 Q. Do you know one way or the other as to</p> <p>17 whether anything was represented in NXIVM training</p> <p>18 sessions about professional sports?</p> <p>19 A. Probably somewhere.</p> <p>20 Q. Do you know what's represented?</p> <p>21 A. No.</p> <p>22 Q. How about the U.S. tax system? You mentioned</p> <p>23 yesterday that you had opinions about that -- about</p> <p>24 the tax system. Are those expressed in the NXIVM</p> <p>25 training sessions?</p>
<p style="text-align: right;">Page 254</p> <p>1 Do you recall reading that paragraph in 2004?</p> <p>2 A. No, but I may have. I have -- I agree and --</p> <p>3 let's see.</p> <p>4 (Witness reads to himself.)</p> <p>5 I don't know. I think I had a</p> <p>6 conversation with Joe at one point where he asked</p> <p>7 what I thought in that, and I think that was pretty</p> <p>8 resolved so I -- you know, this may have been in</p> <p>9 this document. I'm not sure.</p> <p>10 Q. When you say, "that was pretty resolved," let</p> <p>11 me be clear. He's writing here about, "Exploration</p> <p>12 of Meaning (EM) sessions may have gone over-the-line</p> <p>13 in terms of what constitutes counseling/therapy."</p> <p>14 A. Uh-huh.</p> <p>15 Q. What's your -- how do you understand that</p> <p>16 that issue was resolved?</p> <p>17 A. Well, the question is in New York State and</p> <p>18 different states what constitutes psychology; and</p> <p>19 his ultimate advice to us after consulting the laws</p> <p>20 but not just in New York State but in numerous</p> <p>21 states was that it does not go over the line.</p> <p>22 Q. Okay. Do you know if he put that advice in a</p> <p>23 written document?</p> <p>24 A. I don't know. I do know if it went over the</p> <p>25 line, we would have changed it; and I don't know if</p>	<p style="text-align: right;">Page 256</p> <p>1 A. I don't know if it's expressed in the</p> <p>2 curriculum, but people have asked me in forums.</p> <p>3 Q. How about labor unions? Were those discussed</p> <p>4 either in the curriculum or in forums?</p> <p>5 A. I think in Shifter, we don't necessarily talk</p> <p>6 about labor unions, per se, but we may reference a</p> <p>7 union or a charity. I know we referenced things</p> <p>8 like that to show how, for example, a not-for-profit</p> <p>9 can be used as a device to cheat by a malintended</p> <p>10 person.</p> <p>11 Q. And is it your -- was it represented by you</p> <p>12 that labor unions are devices to cheat?</p> <p>13 A. No.</p> <p>14 Q. What is said about Attorneys General in NXIVM</p> <p>15 training sessions, either in the curricula or the</p> <p>16 forum?</p> <p>17 A. Well, as far as the curriculum goes, I don't</p> <p>18 think there's anything. As far as the forum goes,</p> <p>19 there have probably been questions relating to</p> <p>20 Attorneys General.</p> <p>21 Q. Such as?</p> <p>22 A. I, you know, what do I feel about government;</p> <p>23 what do I feel about capitalism; what do I feel</p> <p>24 about socialism, you know, the current structure.</p> <p>25 What do you think about having a District Attorney</p>

1 prosecute crime. Should it be privatized; should it
 2 not be privatized. I mean, there are many contexts
 3 it can come up.

4 Q. Have you been asked specifically what about
 5 -- what do you think about attorney -- State
 6 Attorney Generals?

7 A. I don't know. I don't remember it.

8 Q. Have you been asked about your experience
 9 with States' Attorneys General in connection with
 10 Consumers' Buyline?

11 A. Yeah. I'm not -- I don't recall, but I
 12 imagine I would be.

13 Q. And what was your -- what would have been
 14 your response?

15 A. Well, State Attorney Generals are
 16 politically-appointed positions. They normally have
 17 as arms and legs people who are career people
 18 working through them, so at times Attorney Generals
 19 are politically motivated. Sometimes they have
 20 aspirations for higher positions. Sometimes they
 21 are people who have worked hard to get to the
 22 position to make changes and make good changes.

23 It's interesting. There is an organization
 24 of Attorney Generals called NAAG, N-A-A-G, which is
 25 the National Association of Attorneys General. I --

1 A. Except for the one "Our School," I don't find
 2 any of those representations true or -- that's not
 3 something I would say, and some of them I would
 4 blatantly disagree with but --

5 Q. Have you ever heard anyone conducting a
 6 NXIVM training session make these representations?

7 A. People that conduct NXIVM training sessions
 8 have a certain degree of freedom to offer their own
 9 opinions and things like that. I certainly would
 10 not uphold these representations being made, and I
 11 have spoken out against most of them except I don't
 12 understand the representation "Our School," except
 13 maybe he believes that -- I mean, I don't think
 14 we're a school, per se, so if someone said the word
 15 "school," it's something that I would discourage and
 16 that wouldn't be correct, you know, and I slip into
 17 saying things like school, also, so that's a
 18 possibility. It's always a difficult thing.

19 You know, we're an organization. We provide
 20 training. We provide education to a degree, but
 21 certainly cancer being caused by self-esteem, I
 22 would -- that would probably be cause for ethical
 23 review if someone said such a thing.

24 Q. Have you heard someone say at a NXIVM
 25 training session, "We could not re-build the

1 it is my belief -- I met some Attorneys General --
 2 Attorney Generals that I thought were great people.
 3 I thought they were great in what they did, and I
 4 thought it was an important position. I think the
 5 position of Attorney General is an extremely
 6 important position, but I don't necessarily think
 7 the people that get into that position always live
 8 up to it.

9 Q. And is that understand -- is that
 10 understanding based on your own experiences with
 11 Consumers' Buyline?

12 A. I met some Attorneys General that it was my
 13 opinion that they were great, and I met others that
 14 I felt at least with respect to us were more
 15 politically motivated.

16 Q. I'd like you to look on this document at
 17 Paragraph 8. It's on Page 3, and it carries over to
 18 Page 4.

19 A. Okay, yes.

20 Q. And he refers to a number of representations
 21 that he claims to have heard at this training
 22 session.

23 A. Uh-huh.

24 Q. Have you made any of those representations in
 25 NXIVM training sessions?

1 Pyramids in Egypt" without (sic) existing
 2 construction -- "with our existing construction
 3 technology and techniques"?

4 A. Well, I believe it's unknown if we could.
 5 They've done some actually interesting things trying
 6 to do that. I don't think it's per se part of NXIVM
 7 training but...

8 Q. With all due respect, that's not my question.
 9 My question is have you heard someone say that at a
 10 NXIVM training session?

11 A. Not that I can recall.

12 Q. Okay. Have you heard someone say that
 13 Keith Raniere is the smartest man in the world --

14 A. No.

15 Q. -- at a training session?

16 A. No.

17 Q. Have you heard someone say at a training
 18 session that psychotherapy doesn't work?

19 A. I might have heard students say things like
 20 that.

21 Q. Okay.

22 A. By the way, I believe psychotherapy does
 23 work.

24 Q. Does?

25 A. Yes.

<p style="text-align: right;">Page 261</p> <p>1 Q. Okay. Looking under -- on Page 4 under 2 "Miscellaneous," he says, "I think that no animals 3 should be allowed to 'sit in' on the training. In 4 this regard, the liability potential concerning such 5 animals greatly outweighs their 'cute factor.'"</p> <p>6 Ever come to your attention that animals 7 were sitting in on the NXIVM training sessions?</p> <p>8 A. There was a blind woman who had a dog, and 9 that dog sat in on NXIVM training sessions that she 10 was involved in. She was a student. I don't know 11 -- I don't think she ever decided to become a coach, 12 but I felt that in that case it was important.</p> <p>13 Q. Do you know if she was at this VIP training 14 center in February?</p> <p>15 A. No. She was not, I believe. I think she's 16 only gone to trainings in Albany.</p> <p>17 Q. Have you ever heard of any other instance in 18 which an animal was allowed to sit in on a training 19 session?</p> <p>20 A. You mean animals as in furry things, not 21 people. I'm teasing.</p> <p>22 No.</p> <p>23 Q. No?</p> <p>24 A. No.</p> <p>25 Q. Okay. You can put that document down.</p>	<p style="text-align: right;">Page 263</p> <p>1 A. Then she went back to her hotel and at a 2 later point -- I think it was that same night -- 3 continued and was taken and then evaluated as having 4 -- I don't know if it was a psychotic episode but it 5 may well have been.</p> <p>6 Q. Does NXIVM have medical personnel on hand at 7 its Intensives?</p> <p>8 A. At times.</p> <p>9 Q. But it's not a requirement?</p> <p>10 A. It is not a requirement.</p> <p>11 Q. Okay. I'd like to go back. Yesterday we 12 talked a little bit about the Student Enrollment 13 Application and I think at that time --</p> <p>14 A. Are we done with this document?</p> <p>15 Q. Yes, we are.</p> <p>16 At that time, you indicated to me that you 17 were having a little difficulty reading --</p> <p>18 A. Yes.</p> <p>19 Q. -- the one I produced to you. So I've gotten 20 a copy where the Student Terms and Conditions are 21 clearer.</p> <p>22 A. Thank you.</p> <p>23 Q. It's a different document which I'd like to 24 mark as Raniere 14 or 15?</p> <p>25 MR. McGUIRE: 15.</p>
<p style="text-align: right;">Page 262</p> <p>1 MR. KOFMAN: What time is it? I've got 2 one more area.</p> <p>3 MR. CAMPION: Ten after.</p> <p>4 MR. KOFMAN: All right.</p> <p>5 MR. McGUIRE: After 6.</p> <p>6 MR. LEONARD: It only feels that way.</p> <p>7 BY MR. KOFMAN:</p> <p>8 Q. Are you aware of any instances in which 9 individuals have had breakdowns after doing an 10 Exploration of Meaning session?</p> <p>11 A. After doing an Exploration of Meaning 12 session, no, and I would ask that you define 13 "breakdowns."</p> <p>14 Q. Have had some sort of psychotic episode 15 after taking your class.</p> <p>16 A. That's a different question.</p> <p>17 Q. I understand.</p> <p>18 A. I'm not capable of evaluating psychotic 19 episodes. I have known of instances where one woman 20 in particular was in a training -- and, actually, 21 there were doctors in the training, too. She was 22 brought to a hospital in Albany and evaluated by a 23 psychiatrist there. From my understanding, the 24 psychiatrist thought she was fine.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 264</p> <p>1 MR. KOFMAN: 15.</p> <p>2 (One-page Student Enrollment Application 3 for Aaron Kassin marked Confidential was received 4 and marked Defendant's Exhibit Raniere-15 for 5 Identification.)</p> <p>6 BY MR. KOFMAN:</p> <p>7 Q. Raniere-15 is a one-page document. It says 8 Student Enrollment Application of Aaron Kassin, and 9 it was produced to us as a single page.</p> <p>10 MR. McGUIRE: You got another copy over 11 there?</p> <p>12 MR. KOFMAN: Did I not produce it over 13 on this side, or are there any extras?</p> <p>14 MR. LEONARD: We're okay.</p> <p>15 Q. Is that at least the first page of the form 16 of Student Enrollment Application that NXIVM uses?</p> <p>17 A. I can't tell. It looks like the bottom was 18 cut off, but probably just a photocopying error. It 19 doesn't have a revision date.</p> <p>20 Q. Taking a look under "Student Terms and 21 Conditions" at Paragraph 1 --</p> <p>22 A. Yes.</p> <p>23 Q. -- it says, "These materials, methods and 24 information cannot be copied, duplicated, 25 transmitted, taught or otherwise used" --</p>

<p style="text-align: right;">Page 265</p> <p>1 A. Hold on. I'm in the wrong place. 2 Okay. I'm sorry. Yes, I'm with you. 3 Q. What are you referring to as the "materials" 4 there in that sentence? 5 A. It says, "All materials, methods and 6 information contained in and represented through 7 Executive Success Programs (ESP) are essential 8 assets of ESP acquired at great time and expense." 9 So I guess that's all materials, methods and 10 information. 11 Q. What do you mean by the term "materials"? 12 A. When you say what do I mean, I am not the 13 person who finally wrote this. This is a lawyer. 14 Q. Okay. You did review it, though, with a 15 lawyer; correct? 16 A. I probably -- I -- I don't think I reviewed 17 it with a lawyer. I believe I put in certain things 18 from my other company that went into a hopper, and 19 the lawyer came out with the final stuff. 20 Q. Did you review it after the lawyer came out 21 with the final stuff? 22 A. Doubtful. 23 Q. Okay. Were you concerned as to that it be 24 sufficiently protective? 25 A. Yes.</p>	<p style="text-align: right;">Page 267</p> <p>1 A. Yes, I -- 2 Q. -- or see? 3 A. From a layperson's perspective, yes. 4 Q. Okay, and it says that the infor -- 5 "materials, methods and information cannot be 6 copied, duplicated, transmitted, taught or otherwise 7 used." 8 What do you understand the phrase "otherwise 9 used" to mean? 10 A. Well, on an ethical level -- if you're 11 commenting on the rule, it means that the first 12 portion of this clause, the "materials, methods and 13 information cannot be copied, duplicated, 14 transmitted, taught." In other words, I'm taking 15 materials and somehow getting them over to you; and 16 then I'm also potentially using them, and whatever 17 is not covered in what is listed is "or otherwise 18 used." So not only transmitted but also 19 transformed, also utilized for other purposes at 20 all. I think it's somewhat inclusive. 21 Q. Would "use" include talking about it with 22 family members? 23 A. Certain aspects. You know, talking about my 24 experience is one thing. Talking -- telling my 25 family members what the materials are is another.</p>
<p style="text-align: right;">Page 266</p> <p>1 Q. But you didn't review it after the lawyer 2 drafted it? 3 A. I don't feel I'm good enough. 4 Q. Okay. Do you have an understanding sitting 5 here today what's meant by the term "materials"? 6 A. I think I do. I mean, from a layperson's 7 point of view, it appears to be everything. 8 Q. "Everything" meaning what? 9 A. Any materials, any papers that I get, any 10 pictures, any -- I don't know -- tapes, any -- it 11 says "methods" also and "information" which means 12 nonverbal, verbal; any data. 13 Q. So the information can include things that 14 are nonverbal? 15 A. I imagine. 16 Q. Such as what? 17 A. If someone, for example, was doing an 18 artistic presentation and they did a certain move, 19 that probably would be considered that information. 20 Q. And they could not disclose that move outside 21 of the walls of NXIVM? 22 A. Yeah, probably. 23 Q. Would it be safe to say that information is 24 anything that they hear during the course of a NXIVM 25 training session --</p>	<p style="text-align: right;">Page 268</p> <p>1 Q. Would this paragraph prohibit me from going 2 to my wife after I took one of your training 3 sessions and saying, you know, I saw this guy named 4 Keith Raniere, and he wants me to call him Vanguard 5 and bow down to him when he walks in the room; is 6 that -- would that violate this paragraph? 7 A. In ethic or -- 8 MR. CAMPION: Object to the form of that 9 question. 10 Q. Would it be your understanding that that 11 would violate this paragraph? 12 A. In ethic or in rule? 13 Q. In rule. 14 A. Probably. 15 Q. Okay. 16 A. But we are an ethical organization, and 17 that's why and what we instruct the attorneys to do 18 is try to make these in such a way that it allows 19 for that. When a person comes in and takes the 20 course, they sign a long form which is more explicit 21 about derivative works and things like that. So we 22 encourage people to go and talk about their 23 experiences, both positive and negative, with their 24 families and they do. 25 Q. But that might violate the strict terms of</p>

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1 this paragraph?

2 A. Well, if they were to go and reveal things
3 that were trade secrets, it might. What you said,
4 depending on a number of circumstances, might
5 violate the rule of this but certainly not the
6 ethic.

7 Q. Would it depend upon the person's intent?

8 A. It depends on more than that, but yes.

9 Q. That would be one factor?

10 A. Yes.

11 Q. What would the other things it depends on be?
12 A. Are they a competitor or not and have they
13 come into the program under provisional means so
14 that if they start describing this to their wife,
15 for example, who might be a therapist or might be a
16 trainer for Anthony Robbins or something like that
17 and you gave me a statement, and the actual
18 statement you gave me I suspect would not be a
19 problem under the Rules, but a generalized form of
20 that statement where someone starts to say, "This
21 question was asked. This specifically is what
22 happened," may violate it if it is a competitor
23 trans -- or transmitting it to a competitor who
24 happens to be the person's wife.

25 Q. So two different people can say the same

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1 thing, and in one case it would violate the rule and
2 in one case it would not?

3 A. Yes.

4 Q. Okay.

5 MR. KOFMAN: I have no other questions
6 at this point. Let's -- maybe we should take our
7 lunch break.

8 MR. CAMPION: Sure.

9 MR. KOFMAN: I'll check my notes and see
10 if I have anything in follow-up.

11 MR. CAMPION: Back here at 1:15.

12 THE VIDEOGRAPHER: Going off the record
13 at 12:20.

14
15 (Witness excused.)

16 (At this point, the luncheon recess was
17 taken.)

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1 A F T E R N O O N S E S S I O N

2
3 THE VIDEOGRAPHER: We're back on the
4 record at 1:17.

5
6 K E I T H A L A N R A N I E R E, previously
7 sworn, resumed the stand and testifies on his oath
8 as follows:

9
10 C O N T I N U E D D I R E C T E X A M I N A T I O N B Y M R . K O F M A N :

11 Q. Okay. Mr. Raniere, I have a few more
12 questions for you before concluding my portion of
13 the deposition.

14 I want to make sure I understand a few areas.
15 Did any of your attorneys in this case ever instruct
16 you to preserve documents?

17 A. No, I don't believe so. Instructed that if I
18 had any e-mails they shouldn't be deleted. I should
19 go through them or --

20 Q. Okay. Who gave you that instruction?

21 A. Bob Leonard.

22 Q. Okay. Anybody before then?

23 A. I didn't have any attorneys in this case
24 before then.

25 Q. Did any of NXIVM's attorneys ever give you

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1 that information?

2 A. No.

3 Q. Did anybody --

4 A. Not specifically.

5 Q. Did anybody from NXIVM -- did anyone from
6 NXIVM itself ever ask you to preserve documents or
7 e-mails?

8 A. No.

9 Q. Did Kristin Keeffe ever show you copies of
10 the document production requests that were served in
11 this matter?

12 A. She's shown me a number of different things,
13 things that related to me. I -- I'm sure I didn't
14 see the whole document request, but I know that
15 there were -- there was a document request for
16 things from Nycap@rr.com.

17 Q. Any other requests that you believe she
18 showed you?

19 A. Well, there is a document request of me.
20 That's all I know.

21 Q. How about document requests directed to
22 NXIVM? Did she show you any of those?

23 A. No.

24 Q. I'm sorry. You have to answer verbally.
25 A. Oh, no.

<p style="text-align: right;">Page 273</p> <p>1 Q. Did she read to you over the phone or 2 communicate orally to ask you to look for documents 3 that had been requested of NXIVM? 4 A. She's requested me to look for certain 5 things, but a lot of the times she would request 6 something I don't have them, for example, audio 7 recordings or things like that. 8 Q. Did she -- when she would ask you to look for 9 certain things, how would she communicate with you? 10 Was it in person or over the phone? 11 A. Either or. 12 Q. Okay. Did anyone from -- anyone assist you 13 in looking for responsive documents or materials? 14 A. I'm not sure because there was a storage bin 15 that has my stuff in it that I allowed NXIVM people 16 to go through. So I did not, per se, look for it; 17 but anything that was in there would have been given 18 over. 19 Q. Where is the storage bin located? 20 A. I'm not the person who rents it, but it has 21 my stuff in it. I think it's Exit 9 Storage, but 22 I'm not sure. There is a few different storage 23 facilities. 24 Q. And this is -- do you know who from NXIVM 25 went through it?</p>	<p style="text-align: right;">Page 275</p> <p>1 Q. Is that -- what's that office used for? 2 A. I don't know. 3 Q. Have you ever submitted Rational Inquiry 4 Method to peer review? 5 A. No, not that I -- not in any form. 6 Q. Have you ever written anything about it to 7 scientific journals? 8 A. To scientific journals. I don't know if 9 that's considered a scientific journal, possibly. 10 Q. What -- what are you thinking of? 11 A. There is a -- a magazine that is distributed 12 to the academic community. I would probably not 13 refer to it as a journal, but I've written articles 14 in there. 15 Q. What's the name of the magazine? 16 A. Conocimiento is it, I think. It's Spanish. 17 I don't speak Spanish. 18 Q. Somebody translated the articles into Spanish 19 for you? 20 A. Yes. 21 Q. When did you start writing articles for 22 Conocimiento? 23 A. About three years ago, I think. 24 Q. Did you get paid for these articles? 25 A. No.</p>
<p style="text-align: right;">Page 274</p> <p>1 A. No. 2 Q. This is material that's in addition to what 3 you keep at your home? 4 A. Yes. 5 Q. Okay. Did anyone assist you in looking for 6 materials in your home? 7 A. No. 8 Q. Okay. It was you alone who did the search? 9 A. Yes. 10 Q. Where does NXIVM presently maintain offices? 11 A. I don't know all the places. There is an 12 office in Upstate New York. There's -- I think 13 there's an office near -- near the 455 New Karner 14 Road complex. I think there's an office in 15 Monterrey, Mexico. I think there's also an office 16 in Mexico City, but those are not directly NXIVM 17 offices, I believe. I think they're offices in some 18 sort of either franchise agreement or something like 19 that. I'm not sure of the nature of that agreement. 20 Q. The office in Upstate New York, where is that 21 located? 22 A. I'm not exactly sure. 23 Q. Any idea what city or county? 24 A. I think it's in Niagara. Yeah, I think it's 25 in Niagara.</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. I'm sorry. You have to speak up. 2 A. Oh, I'm sorry. No. 3 Q. And how many articles would you say you've 4 written? 5 A. Um, there are two primary ways that I write 6 an article. One, I write it directly myself; and 7 the other I write it in collaboration with someone 8 where I download the concepts, so to speak. I speak 9 with them about some of the philosophical things in 10 the article, some of the structure of the article, 11 and they write it. Sometimes I will write portions 12 of those, so that's how the articles are normally 13 written. 14 Q. Are all of the articles in your name, or do 15 you share a byline with someone on any of them? 16 A. I share a byline with people on some of them. 17 Q. Who are some of the people you share bylines 18 with? 19 A. Ivy Nevares spelled Ivy, I-v-y. 20 Q. I think you mentioned her yesterday. 21 Anyone else? 22 A. Farouk Rojas translates, and as a translator 23 he and Ivy who are both bilingual may change content 24 to some degree. So he's up in the byline, too, but 25 as a translator.</p>

1 Q. Where is Conocimiento published?
 2 A. I believe it's Monterrey, Mexico.
 3 Q. How did you come to write articles for -- on
 4 Rational Inquiry Method for Conocimiento?
 5 A. The head of Conocimiento's name is Luis Todd
 6 who he's like the representative to UNESCO in the
 7 United Nations. He's head of one of the major
 8 university medical schools. He -- in front of the
 9 book, actually, there is his biography. He opened
 10 something like 60 different majors, and he is a
 11 prominent person.
 12 He took our course and believes very strongly
 13 in what we do, so he wrote the Forward to the book
 14 that I published and also allows us to have a
 15 column, if you will, or an article section within
 16 his magazine.
 17 Q. How many of these columns have you written?
 18 A. Oh, over three years I've written probably
 19 about -- I'm guessing -- 70.
 20 Q. Have you retained copies of these articles?
 21 A. Yes.
 22 MR. KOFMAN: Okay. I'm going to make a
 23 request for copies of the articles that Mr. Raniere
 24 has written for Conocimiento, and I'll follow that
 25 up in the letter.

1 with?
 2 A. I don't know what you mean by "involved
 3 with."
 4 Q. Are you familiar with the term Vanity Press?
 5 A. No.
 6 Q. Does Ethical Press publish -- has Ethical
 7 Press published any books other than The Odin and
 8 the Sphinx?
 9 A. No.
 10 Q. It's no?
 11 A. No. That's correct.
 12 Q. Okay. Have you received any royalties from
 13 publication of this?
 14 A. No.
 15 Q. And you indicated that -- strike that.
 16 Is this a work of fiction or nonfiction?
 17 A. I think it's probably both. There are --
 18 it's a compendium of articles. Some of them are
 19 more fictional. Some of them are more academic.
 20 Some of them are quite academic, and some of them
 21 are quite fictional.
 22 Q. Okay. Are these books sold at NXIVM training
 23 centers?
 24 A. I imagine so. I don't know for sure.
 25 Q. Have you received any royalties from the

1 MR. CAMPION: We'll consider it then,
 2 yes.
 3 MR. KOFMAN: Okay.
 4 (Request.)
 5 THE WITNESS: They are not to be
 6 distributed outside of this, yes?
 7 MR. KOFMAN: They would be subject --
 8 your attorneys have the right to designate them as
 9 confidential pursuant to the Order entered by the
 10 Court.
 11 THE WITNESS: Also the Forward?
 12 MR. CAMPION: We're going to discuss
 13 that later.
 14 THE WITNESS: Thank you.
 15 BY MR. KOFMAN:
 16 Q. Okay. You mentioned that I believe that you
 17 published a book.
 18 A. Yes.
 19 Q. What's the name of the book?
 20 A. The Odin and the Sphinx.
 21 Q. What is it?
 22 A. Odin and the Sphinx.
 23 Q. What's the name of the publisher?
 24 A. Ethical Publishing.
 25 Q. Is that an in print that you're involved

1 book?
 2 A. No.
 3 Q. Do you have any agreement to receive
 4 royalties?
 5 A. No.
 6 Q. Does the book or any of the articles in the
 7 book discuss the Rational Inquiry Method?
 8 A. Superficially probably. I mean, it is
 9 mentioned.
 10 Q. Okay. Do any of the articles that you've
 11 written for Conocimiento contain what you'd consider
 12 trade secrets of NXIVM?
 13 A. No.
 14 Q. Does it discuss particulars of the Rational
 15 Inquiry Method?
 16 A. No.
 17 Q. How about The Odin and the Sphinx, does that
 18 contain any trade secrets?
 19 A. Those are articles. No.
 20 Q. When was the book published, Odin and the
 21 Sphinx?
 22 A. A year ago, something like that. I am not
 23 sure of the exact date.
 24 Q. Do you know how many copies were published?
 25 A. I think there was -- it's a small initial run

<p style="text-align: right;">Page 281</p> <p>1 like 5,000 or something. 2 Q. Do you maintain copies? 3 A. I have a few. 4 MR. KOFMAN: I'm going to make a request 5 for that as well. 6 MR. CAMPION: Put it in the letter. 7 MR. KOFMAN: Okay. 8 (Request.) 9 Q. Who wrote the Forward to that book? Is that 10 Mr. Todd? 11 A. Luis Todd, yes. 12 Q. Have you ever been -- strike that. 13 Is there a reason that you haven't submitted 14 Rational Inquiry Method to peer review? 15 A. I think there are several reasons. We want 16 to have more solid research into it. The research 17 and things like that we've done is preliminary, and 18 also because of this lawsuit there are a lot of 19 restrictions and constrictions relating to that. 20 Q. When you say the research that you've done is 21 preliminary, what do you mean? 22 A. The psychological assay, the psych -- what 23 you call maybe the psychological study, it's just 24 sort of an entry point into research. You know, 25 when you do research the first thing you want to</p>	<p style="text-align: right;">Page 283</p> <p>1 A. I'm sorry. I didn't hear. 2 Q. I'm sorry. Have you ever been asked by 3 anyone at NXIVM to identify who NXIVM's competitors 4 are? 5 A. I've been asked what my opinions are on that, 6 yes. 7 Q. Who were you asked that by? 8 A. Arlen, I think Kristin, I think I have had a 9 discussion with Nancy about it. I think not 10 pertaining to a legal case at all various other 11 people who are marketers. 12 Q. And what have you told those people other 13 than your attorney, or other than Arlen Olsen what 14 have you told them as to who NXIVM's competitors 15 are? 16 A. Well, I think as a general rule, as I 17 expressed before, anyone who wants to increase joy. 18 Q. Okay. Have you ever made a list of who 19 specific -- who are -- what are specific entities 20 that are competitors? 21 A. No. I think I've spoken of people and 22 directed people on how to find -- like, for example, 23 people in the -- in the Forbes article there were a 24 number of firms that were seen as competitors to us 25 that were -- we were nestled in as far as in a list.</p>
<p style="text-align: right;">Page 282</p> <p>1 find out if there's a legitimate effect, and then 2 you want to examine the legitimate effect so that's 3 the nature of it. 4 Q. And do you have -- is it your understanding 5 the jury is still out as to whether there's a 6 legitimate effect from the Rational Inquiry Method? 7 A. I think there's a legitimate effect. 8 Q. But has that been demonstrated by research? 9 A. I think it's been demonstrated by the study, 10 and the study only examines a limited portion. We 11 do -- we are set up to do some brain research, which 12 we will do, and that will give much more hard data. 13 Q. Is that Mr. Solomon's study? 14 A. Mr. Solomon's study is the psychological 15 study that I'm referring to, yes. 16 Q. And when you say it only does a limited 17 portion, what do you mean, his study? A limited 18 portion of the modules? 19 A. It's giving -- well, it is -- it's a limited 20 portion of the modules, limited -- there are, you 21 know, many limitations when you do something like 22 that. It does not study various aspects of the 23 technology. 24 Q. Okay. Have you ever been asked to by anyone 25 at NXIVM to identify --</p>	<p style="text-align: right;">Page 284</p> <p>1 So I directed people. I said, "Well, you can look 2 there. There are a bunch of those," and things like 3 that. 4 Q. Where else did you tell people to look? 5 A. Well, I think any -- any of those fields, any 6 of the fields that stem from them. Any of -- we've 7 done corporate trainings. Any of the corporations, 8 those vertical markets, things like that. 9 Q. So corporations -- I'm sorry. Let me make 10 sure I understand this. A corporation that you've 11 done training for could be a competitor? 12 A. No, people who would also train those 13 corporations. I'm sorry. 14 Q. Okay. When you do a corporate training, do 15 you use the ration -- do you give them -- what 16 courses do you teach when you do corporate training? 17 A. It depends on the corporation. 18 Q. Would it be something different than the 19 Intensives? 20 A. It can be. 21 Q. You would not -- have you done any 16-day 22 Intensives for corporations? 23 A. I'm not sure. 24 MR. KOFMAN: Okay. At this point, I 25 don't have any more questions. Thank you for your</p>

<p style="text-align: right;">Page 285</p> <p>1 time.</p> <p>2 I'm sure my colleagues down the row</p> <p>3 have some questions for you. I'm going to slide</p> <p>4 down now.</p> <p>5 THE WITNESS: Okay. Thank you.</p> <p>6</p> <p>7 CROSS-EXAMINATION BY MR. LANDY:</p> <p>8 Q. Good afternoon, Mr. Raniere. My name is</p> <p>9 Robert Landy. I am a lawyer with the firm of</p> <p>10 Friedman Kaplan Seiler & Adelman LLP. We represent</p> <p>11 Juval Aviv and Interfor, Incorporated.</p> <p>12 I'll be asking you a few questions this</p> <p>13 afternoon. I'd ask that you observe the same</p> <p>14 general ground rules that Mr. Kofman explained.</p> <p>15 Let's try not to speak over each other. You have to</p> <p>16 answer with words as opposed to gestures or sounds.</p> <p>17 A couple other quick terminology ground rules</p> <p>18 just so we understand each other. When I say</p> <p>19 "NXIVM," I'll be referring to NXIVM Corporation and</p> <p>20 Executive Success Programs collectively. If you</p> <p>21 ever have an answer that relates to only one of</p> <p>22 those two, tell me.</p> <p>23 If I say "the NXIVM defendants," I'm</p> <p>24 referring to NXIVM Corporation, Executive Success</p> <p>25 Programs, Kristin Keeffe, Nancy Salzman and yourself</p>	<p style="text-align: right;">Page 287</p> <p>1 A. Yes.</p> <p>2 Q. Who is Frank Parlato, Jr.?</p> <p>3 A. To my knowledge, he was someone that was</p> <p>4 hired I think by NXIVM as -- I think he was a</p> <p>5 publicist. I think he also assisted in some real</p> <p>6 estate dealings.</p> <p>7 Q. What do you mean when you say he was a</p> <p>8 publicist?</p> <p>9 A. He I believe was hired to interface with</p> <p>10 like newspapers, reporters, people like that, and to</p> <p>11 create positive press.</p> <p>12 Q. And is it -- start that one again.</p> <p>13 Was he hired to speak to the newspapers and</p> <p>14 reporters on NXIVM's behalf?</p> <p>15 A. I imagine so. I don't know for certain.</p> <p>16 Q. Do you know whether or not Mr. Rob -- strike</p> <p>17 that.</p> <p>18 Do you know whether or not Mr. Parlato ever</p> <p>19 used an alias when speaking to newspaper reporters?</p> <p>20 A. I don't -- I don't imagine he would, but he</p> <p>21 might because I don't agree with his style.</p> <p>22 Q. What about his style do you not agree with?</p> <p>23 A. To me, he seemed aggressive.</p> <p>24 Q. Do you know if Mr. Parlato is a lawyer?</p> <p>25 A. I don't believe he is.</p>
<p style="text-align: right;">Page 286</p> <p>1 collectively. I understand that you have, you know, certain positions with respect to what your connection to NXIVM are, but this is just terminology. I'm talking about all of them. If your answer requires you to delineate between them, please do so.</p> <p>7 Again, as Mr. Kofman said, if you answer my question, I'm going to assume that you understand it. If you don't understand it, let me know, and I'll try to rephrase it.</p> <p>11 Have you ever heard of a man named Phil Robertson?</p> <p>13 A. The name sounds familiar.</p> <p>14 Q. Do you know whether or not Mr. Robertson is an actual person?</p> <p>16 A. No. I -- I don't know who he is.</p> <p>17 MR. McGuire: Did you say Robinson or Robertson?</p> <p>19 MR. LANDY: Robertson.</p> <p>20 MR. McGuire: Robertson?</p> <p>21 MR. LANDY: Robertson.</p> <p>22 MR. McGuire: Thank you.</p> <p>23 BY MR. LANDY:</p> <p>24 Q. Have you ever heard of a gentleman by the name of Frank Parlato, Jr.?</p>	<p style="text-align: right;">Page 288</p> <p>1 Q. Have you ever met him?</p> <p>2 A. Yes.</p> <p>3 Q. When did you first meet him?</p> <p>4 A. I think I met him first at Nancy's house.</p> <p>5 Q. "Nancy" is Ms. Salzman, I assume.</p> <p>6 A. Yes, Nancy Salzman.</p> <p>7 Q. The question was when.</p> <p>8 A. The what?</p> <p>9 Q. The question was when.</p> <p>10 A. Oh, when. Maybe two years ago. Was it two?</p> <p>11 Wait, maybe it's -- maybe it's as much as two years ago.</p> <p>13 Q. Do you recall did you speak with him at that point?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall what you spoke about?</p> <p>17 A. I think he was telling me about himself and advertising himself to me.</p> <p>19 Q. You said he was hired by NXIVM.</p> <p>20 Do you have an understanding of whether he was an employee of NXIVM?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Do you think he was something else?</p> <p>24 A. Yeah. I think he was an independent contractor.</p>

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1 Q. Okay. Is he still an independent contractor
2 for NXIVM?

3 A. I doubt it. I -- that's -- I haven't heard
4 anything from him in like a year.

5 Q. Have you ever heard of a man named
6 Juval Aviv?

7 A. Yes.

8 Q. Did you ever speak to Mr. Parlato about
9 Juval Aviv?

10 A. I'm not sure. I imagine I might have, but I
11 can't recall any conversation.

12 Q. Have you ever heard of a company called
13 Interfor, Incorporated?

14 A. Yes.

15 Q. Have you ever spoken to Mr. Parlato about
16 Interfor?

17 A. I may have, but I don't recollect any
18 conversation.

19 Q. Have you ever spoken to Mr. Parlato about
20 Rick Ross?

21 A. I believe so, yes.

22 Q. How many times did you do that?

23 A. A handful, not many but more than two.

24 Q. What did you discuss?

25 A. Frank had very strong opinions about how

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1 Heller firm -- the first name escapes me at the
2 moment -- and Joe O'Hara.

3 Q. When did you first hear of him?

4 A. I heard from Joe O'Hara that this attorney
5 from Nolan & Heller is the name -- Nolan is the
6 first name -- had two private investigators or
7 investigation firms that they worked with. One of
8 them was I believe out of Washington, and the other
9 was Interfor. They had said that Juval Aviv was in
10 the Mossad and that he had gotten back -- I think he
11 had gotten back some sort of a kidnapped child or
12 something that impressed them quite a bit for one of
13 their clients, so Joe wanted to know what I thought.

14 Q. Did you tell Joe what you thought?

15 A. Uh-huh.

16 Q. What did you think?

17 A. Hire both firms. I don't know. I think
18 that's what ultimately happened, but have both firms
19 work on something simple and compare the results and
20 see which one you like better. I ultimately don't
21 think that's what they did but...

22 Q. Have you ever spoken to Juval Aviv?

23 A. Yes.

24 Q. How many times?

25 A. Once.

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1 NXIVM should respond to media and should be --
2 respond to Rick Ross' columns on the web and things
3 like that. So in that mix that was mentioned.
4 Frank Parlato's expressed opinion towards Rick Ross
5 was not very positive.

6 Q. What was his expressed opinion towards
7 Rick Ross?

8 A. I won't repeat the words, per se, but just
9 he believed that Rick Ross was the lowest of the
10 low.

11 Q. Not repeating the words to avoid the use of
12 profanity?

13 A. In part. In part -- if I use my version of
14 profanity, which is probably -- it's certainly not
15 Frank's version of profanity, I -- I will either
16 overstate it or understate it. I'm not -- I'm not a
17 big user of profanity.

18 Q. Who is Juval Aviv?

19 A. I believe he's a private investigator. I
20 believe he is the principal of Interfor, and I
21 believe he's someone that worked through NXIVM.

22 Q. Worked through -- what do you mean by "worked
23 through NXIVM"?

24 A. Was an independent contractor for NXIVM, I
25 believe it was through their attorney firm, the

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1 Q. When was that?

2 A. He came to Nancy's house for dinner.

3 Q. When was that?

4 A. I don't know. It was a few years ago. Nancy
5 was in her other house, the Grant Hill address.

6 Q. Do you know how long that meeting was after
7 you hired -- well, strike that. Let me start again.
8 Was that before or after Interfor was hired?

9 A. I believe it was after.

10 Q. Okay. Do you know how long after?

11 A. No, because I don't know -- I don't know what
12 you mean by "hired." It was -- Juval was already
13 doing work for NXIVM, for Joe O'Hara, for Nolan &
14 Heller. I don't mean to get technical with it but
15 it is -- I don't know the nature of all those
16 interrelationships.

17 Q. Do you know what season it was when you met
18 with him?

19 A. I think it was fall, but I'm honestly not
20 sure.

21 Q. Mr. Raniere, I'm going to show you a document
22 that's been previously marked as NXIVM Exhibit 14.
23 I'd ask you to briefly take a look at it. You'll
24 notice that the text is rather small, and it's a
25 little bit blurry, but I'll direct you to a couple

<p style="text-align: right;">Page 293</p> <p>1 of fairly short parts that we can discuss. 2 A. Okay. 3 MR. CAMPION: Is this Raniere-16? 4 MR. LANDY: No, let's just keep it. 5 It's already -- you'll see it's got the stamp from 6 the last time -- 7 MR. CAMPION: That's good. Thank you. 8 MR. LANDY: So no reason to mark it 9 twice. 10 MR. CAMPION: Okay. 11 BY MR. LANDY: 12 Q. Sir, I represent that I'm showing you a copy 13 of an article from the Village Voice. It's not the 14 entire newspaper, just the pages on which the 15 article appears, and my first question is whether 16 you've ever seen the article before. 17 A. No. I know of its existence. 18 Q. Did you ever speak to anyone about this 19 article? 20 A. Yes. 21 Q. Who did you speak to about this article? 22 A. I've spoken to a few people about it, but I 23 believe Frank told me that -- one of the reasons why 24 I didn't read the article was that it was a bunch of 25 mud and everyone was dirty.</p>	<p style="text-align: right;">Page 295</p> <p>1 which does not complete on this page, the first 2 sentence starts or is, "According to NXIVM spokesman 3 Robertson, company leaders were appalled to learn 4 what Aviv was up to." 5 It's slightly cut off. 6 Do you know who "NXIVM spokesman Robertson" 7 was? 8 A. No. 9 Q. All right. I can represent to you -- and I 10 can go back and find it in the article if your 11 attorneys think it's worth the time -- that 12 Robertson is identified as Phil Robertson is his 13 full name. 14 A. Well, no, I don't -- I don't know who that 15 is. 16 Q. I'll also represent to you that during her 17 deposition Kristin Keeffe testified that Phil 18 Robertson was, in fact, Frank Parlato by alias. 19 A. That may be so. 20 Q. Do you have any reason to believe that's not 21 true? 22 A. No. I have reasons to believe it is true 23 because I would suspect I would know the names of 24 the NXIVM spokesperson and I never heard of this 25 person so...</p>
<p style="text-align: right;">Page 294</p> <p>1 Q. And by "Frank" you mean Frank Parlato? 2 A. Frank Parlato, yes. 3 Q. Okay. Were you aware that this article was 4 going to be published before it came out? 5 A. I don't think so, no. 6 Q. Okay. So let's turn to -- I actually want to 7 find something. Give me -- bear with me one moment. 8 THE VIDEOGRAPHER: Excuse me. We have 9 to change tapes. 10 MR. LANDY: That worked out. 11 THE VIDEOGRAPHER: Going off at 1:49. 12 We're back on the record at 1:50. 13 MR. LANDY: We'll come back to that. 14 Q. Okay. Can you first turn to -- count from 15 the back -- you'll get there faster. The fourth 16 from the last page, which bears the Bates numbers 17 Interfor 0452. 18 Just for the record, NXIVM -- NXIVM 14 bears 19 the Bates number Interfor 0442 through Interfor 20 0455. 21 A. "Fitness Health" and "Beauty" at the top of 22 the page? 23 Q. Yes, that's in the advertisement section. 24 A. Yes. 25 Q. Okay. You'll see in the very last paragraph,</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. Do you know what's meant by, "Company leaders 2 were appalled to learn what Aviv was up to"?</p> <p>3 A. I can hazard a guess. I -- 4 MR. CAMPION: Do you want him to? 5 MR. LANDY: Yeah. 6 MR. CAMPION: Go ahead. 7 THE WITNESS: Excuse me. I'm sorry. 8 Continuing... 9 A. I had heard that -- and I did not hear this 10 from Aviv himself -- that Aviv believed that the 11 Legionnaires of Christ in Mexico had paid something 12 like \$5 million to Senator -- ex-Senator D'Amato to 13 go and go against us in the courts and various other 14 things and that he had a neighbor and that that 15 neighbor could talk to D'Amato and stop him from 16 doing damage to us. 17 He also supposedly was involved in a 18 government program with astro projection where they 19 sort of sit around and meditate or whatever and go 20 and spy on people and that that's how he derived 21 some of his information. 22 Q. I will direct your attention to the following 23 page, which is Interfor 053 (sic), the first full 24 non-advertising paragraph on that page. 25 MR. LEONARD: What page?</p>

1 MR. LANDY: 0453.

2 Q. It's one page, one more page. It's Page 34
3 of the -- of the magazine?

4 A. I can't read it, but if you read it.

5 Q. The first full paragraph goes as such,
6 "Robertson says that NXIVM was barely in contact
7 with Aviv, whom O'Hara hired on its behalf for
8 entirely legal investigations. 'We knew nothing
9 about a sting,' he said. 'We had no participation
10 in any sting. We found out about it afterwards.
11 What we saw was, a corrupt attorney hires a corrupt
12 private investigator..." There's ellipses. "We
13 certainly didn't -- and would not -- authorize
14 illegal activities. That was his doing, and I
15 understand that's his nature. He's pretty much a
16 loose cannon."

17 Do you know what Robertson is talking about
18 in that paragraph?

19 A. Well, what you just --

20 MR. McGuire: Object to the form.

21 Q. I'll rephrase it.

22 Do you know what the person who is identified
23 as Robertson is discussing in that paragraph?

24 A. To some degree, the paragraph that you read
25 me seemed to be -- have some truth in it. I don't

1 barely in contact with Aviv."

2 I don't know if that's true or false. I
3 believe that Kristin was friends to some degree
4 with your client, with --

5 Q. By that you mean Juval Aviv?

6 A. Juval Aviv, yes. I don't know how much they
7 had contact.

8 -- whom O'Hara hired on behalf for an
9 entirely legal investigation.

10 Yes, I've seen a paper that said that Aviv
11 would not do anything illegal.

12 "We knew nothing here about a sting."

13 I don't believe that's true.

14 Joe O'Hara from the very beginning spoke of
15 things like that. I don't know what you'd call a
16 sting or not, but what I did know was that it was
17 alleged by people that have spoken to Ross that
18 Ross was saying things that were outrageous about
19 NXIVM, about myself and that Joe thought it would be
20 good to catch him doing that with someone so that it
21 could be documented.

22 He stated, "We had no participation in any
23 sting."

24 I don't know if that's true or false.

25 If you -- if you say Kristin knowing about

1 know is that a -- is that a quote from him? I can't
2 see the quotes.

3 Q. I read the quotes into the record.

4 A. Okay. That's --

5 Q. Some of it is a quote --

6 A. Okay.

7 Q. And some of it is the author.

8 A. Okay.

9 Q. What parts have true to it -- truth to them?

10 A. I'm going to try to read it with my
11 binoculars.

12 Q. Go ahead.

13 A. Starting with, "Robertson says" --

14 Q. Yeah.

15 A. -- "that NXIVM." Okay.

16 Q. My next series of questions will relate to
17 the following paragraph, so you might as well read
18 two paragraphs.

19 A. In other words, that and the paragraph that
20 says when?

21 Q. Yeah, it starts "when" and then jumps over
22 the picture.

23 A. Okay. Can I take it sentence by sentence?

24 Q. Uh-huh.

25 A. It says, "Robertson says that NXIVM was

1 the sting or my hearing about the sting is
2 participation, then we did, because I did know about
3 it. I don't know if I knew about it after or
4 before. From what I've read, it sounds like Kristin
5 knew before and was more intimately involved so...

6 "We found out about it afterward. What we
7 saw was, a corrupt attorney," I believe true, "hires
8 a corrupt private investigator."

9 I don't know. From what I read in the
10 contract, if Juval has done nothing illegal, then
11 that contract is valid. If he's done something
12 illegal, the contract's invalid. I don't know if
13 he's corrupt or not.

14 "We certainly didn't -- and would not --
15 authorize illegal activities."

16 That's true.

17 "That was his doing, and I understand that's
18 his nature."

19 That's his opinion.

20 "He's pretty much a loose cannon."

21 That's his opinion. If this is Frank Parlato
22 speaking for NXIVM, that's what my opinion is on
23 what I've read so far.

24 Want me to continue?

25 Q. Why don't you -- let me just pause for a

<p style="text-align: right;">Page 301</p> <p>1 moment. 2 You just testified if that's Frank Parlato 3 speaking -- 4 MR. LANDY: Reread the last half of the 5 answer, please, so I can get the quote proper. 6 "If this is Frank Parlato speaking" is 7 where you need to start unless you all want to hear 8 the whole answer. 9 (The following was read back by the 10 reporter: 11 "If this is Frank Parlato speaking for 12 NXIVM, that's what my opinion is on what I've read 13 so far. 14 Want me to continue?"") 15 Q. Can you just explain that answer? What's 16 your opinion? Are you saying that whatever -- 17 A. Each sentence that I read -- 18 Q. Yeah. 19 A. Right. I don't know if this is Frank 20 Parlato, although I have reason to believe it is, 21 considering, and I took each sentence and responded 22 to it from my perspective. 23 Q. Okay. So what you're not saying is that if 24 this is on behalf of NXIVM, then it is also your 25 opinion?</p>	<p style="text-align: right;">Page 303</p> <p>1 the same manner? 2 A. Yes. 3 "When asked if he regretted hiring Aviv" -- 4 am I reading that right that -- 5 Q. Yeah, you want me to read it out -- 6 A. -- Robertson replied, 'How can you not 7 regret hiring the guy who would pad his own hours, 8 he'd fabricate, he'd create stories that he couldn't 9 document, and behind your back he creates fantastic 10 programs like, uh, we later found out he was going 11 to do some kind of insane sting kind of deal." 12 To comment on that, what I told you might 13 fit into this with if the astro projection thing is 14 true, that that could clearly be a fabrication and 15 something that's very difficult to verify. As far 16 as I know, such things have never been verified in 17 science. 18 -- "insane sting kind of deal." 19 I may not know the full description of what 20 an insane sting type of deal is. What I understood 21 did not sound particularly insane. 22 From what I understood, Juval represented he 23 had a previous relationship with Ross. Juval said 24 that he did not want to work with Ross because Ross 25 asked him to fabricate evidence -- I don't know if</p>
<p style="text-align: right;">Page 302</p> <p>1 A. Correct. 2 Q. Okay. That's -- that's all I wanted to 3 clarify. 4 MR. SKOLNIK: I'm sorry. Could I hear 5 the last question? 6 (The following was read back by the 7 reporter: 8 "Okay. So what you're not saying is 9 that if this is on behalf of NXIVM, then it is also 10 your opinion? 11 ANSWER: Correct.") 12 BY MR. LANDY: 13 Q. So let's move on to the next paragraph then, 14 or let me stop you for a second and let's just go 15 over a couple of quick things that you said. 16 You said you've seen a paper where it was 17 written that Interfor would not do anything illegal, 18 is that correct? 19 A. Yes. I saw contract terms supposedly between 20 Interfor and NXIVM. 21 Q. Where did you see that? 22 A. At Nancy's house. 23 Q. All right. Let's move on to the next -- also 24 -- yeah, let's move on. 25 So can we go through the next paragraph in</p>	<p style="text-align: right;">Page 304</p> <p>1 that's true or not -- and that supposedly Juval said 2 he understood Ross' motives, so I don't know what 3 they concocted. 4 He says, "We're certainly not responsible, 5 nor do we condone this type of activity." 6 I don't know what "this type of activity" is. 7 "Aviv did it, there seems to be no doubt. 8 How he did, I don't know." I don't know what it 9 is, what the sting thing is in completion. 10 "I heard that he was rummaging through 11 garbage." 12 I -- I've heard that, too. I don't know if 13 it -- I don't think it was Aviv that was rummaging 14 through garbage from what I imagine. 15 Q. You earlier testified that Mr. O'Hara -- 16 A. Am I going to need to re -- 17 Q. Keep it out. I don't think so but -- 18 A. Okay, I'll just. 19 Q. If you could switch glasses. 20 A. Yeah. 21 Q. You previously testified that Mr. O'Hara had 22 suggested catching Ross in the act. 23 A. Uh-huh. 24 Q. Can you expand on that? What did -- what did 25 Mr. O'Hara suggest?</p>

Page 305	Page 307
<p>1 A. O'Hara and I and I think O'Hara and NXIVM 2 have a fundamental disagreement in philosophy, which 3 was always a problem. O'Hara when we first met 4 O'Hara suggested doing things that were let's just 5 say ina -- what you might call inappropriate. He 6 was not specific, but when I spoke to him and I 7 responded to what he said, he said, "Well, okay. 8 You don't believe in that sort of a thing." 9 He -- he believes he has stated to me that if 10 someone breaks the rules, then you can do anything. 11 I have stated back to him, "Who is to judge that?" 12 First of all, so that leaves you with a problem. I 13 -- I thought I heard -- so I'm sorry.</p> <p>14 MR. CAMPION: If you finished the 15 answer, you finished the answer. If you have more 16 to say, say it.</p> <p>17 Q. I'm just -- you were pausing. 18 A. Yeah, okay.</p> <p>19 Q. I don't know that that quite --</p> <p>20 MR. LANDY: Can you read my question 21 back, please.</p> <p>22 (The following was read back by the 23 reporter:</p> <p>24 "Can you expand on that? What did -- 25 what did</p>	<p>1 Q. Yes. 2 A. No. I didn't really know about it. I knew 3 it existed. I never read it. 4 Q. Did you ever discuss it with Ms. Keeffe? 5 A. No. I knew it existed. I've never read it. 6 Q. Do you know who Chris Thompson is? 7 A. No. 8 Q. At any point, did you become aware that 9 Interfor was beginning an investigation of 10 Rick Ross? 11 A. I wasn't aware that they were beginning. I 12 was aware that they had already investigated. 13 Q. When did you become aware of that? 14 A. When I met Juval at Nancy's house. 15 Q. Had you learned about any of the results of 16 Interfor's investigations prior to your meeting with 17 Mr. Aviv? 18 A. No. No. I was contemplating. I had heard 19 from Kristin Keeffe at one point that Juval had a 20 bunch of information that she thought he had gotten 21 off the internet, and I'm quite sure that was after 22 but I'm not positive. 23 Q. After your meeting? 24 A. Or right in the proximity. It was close in 25 proximity.</p>
Page 306	Page 308
<p>1 Mr. O'Hara suggest?" 2 Q. Right, and then I believe you discussed your 3 difference of opinion but -- 4 A. Inappropriate. 5 Q. -- did he suggest anything specific? 6 A. Well, he always suggested trying to observe 7 or document Ross' wrongdoings, which I think is 8 appropriate. 9 Q. Did he suggest how you should do that? 10 A. He suggested many ways. With respect to this 11 issue, I think he wanted to get Ross documented 12 saying the slanderous things that were alleged that 13 Ross was saying. 14 Q. Did he say how he would get -- he wanted to 15 get that documented? 16 A. No. 17 Q. When did you have this conversation? 18 A. Years ago. I had ongoing conversations with 19 Joe O'Hara. 20 Q. You can put the article aside. 21 Let me ask you a couple more questions. You 22 won't have to actually refer to it, though. 23 Did you ever discuss this article with 24 Ms. Salzman? 25 A. Discuss this article?</p>	<p>1 Q. Do you know if anyone at NXIVM asked Interfor 2 to investigate Rick Ross? 3 A. No. 4 Q. Did you ever discuss Interfor's investigation 5 of Rick Ross with anyone at NXIVM? 6 A. Superficially, yes, with Kristin, as I 7 mentioned. I've seen some of the documents in this 8 case which discuss it; not in detail, though. 9 Q. We discussed earlier or you testified earlier 10 that you had had some conversations with Mr. O'Hara 11 and someone from the Nolan & Heller firm about 12 hiring a private investigator. 13 Did you discuss hiring a private investigator 14 with anybody else? 15 A. I don't know if I had discussions about 16 hiring the private investigator with Nolan & Heller. 17 I gave my advice on how to select potentially a 18 private investigator. On and off there have been 19 discussions of hiring private investigators. 20 Q. And let me rephrase the -- I should have 21 restricted that question to the year of 2004. 22 A. Okay. I don't remember what discussions 23 happened in that year. 24 Q. In the time frame of 2004 and 2005, were you 25 made aware of an operation whereby Interfor would</p>

<p style="text-align: right;">Page 309</p> <p>1 approach Mr. Ross and speak to him on behalf of a 2 fictitious client?</p> <p>3 A. I became aware that that had happened. I 4 don't know when.</p> <p>5 Q. When did -- under what circumstances did you 6 become aware that that had happened?</p> <p>7 A. I think it was Joe. Joe mentioned I believe 8 that Juval had Rick Ross on tape saying he had 9 compromising pictures of me and things like in the 10 shower, something like that, and having sex with 11 many students and such things.</p> <p>12 Q. Have you ever heard the tape?</p> <p>13 A. No.</p> <p>14 Q. Did Mr. O'Hara make any comment as to whether 15 he was pleased with the results of that -- the 16 meeting between Mr. Ross and Mr. Aviv?</p> <p>17 A. No.</p> <p>18 Q. Did you discuss at that point discontinuing 19 NXIVM's relationship with Interfor?</p> <p>20 A. After my meeting with Juval that night at 21 Nancy's, it was my position that Juval did not -- 22 did not function in a way that would be helpful to 23 us.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. I -- I did not find Juval to be credible to</p>	<p style="text-align: right;">Page 311</p> <p>1 pretty positive or whatever, but often with Joe 2 things did not get done so I was always wondering 3 if he was just humoring me because I'm either a 4 friend or someone who's seen as important to some 5 degree or whatever so...</p> <p>6 Q. Did Ms. Salzman have any reaction when you 7 discussed this with her?</p> <p>8 A. I think, yeah, Nancy takes what I say pretty 9 seriously; and I suspect she went and investigated 10 what was going on. I don't know for sure.</p> <p>11 Q. Did she say anything to you?</p> <p>12 A. Not directly, but the sort of things I would 13 advise in a certain circumstance like this are, 14 "What are you paying for? What are you getting as 15 a take-away product? What are you getting as an end 16 product? If you're putting money in, is it really 17 worth that money, what you're getting out the other 18 side? Are you getting just talk, or are you getting 19 specific results? Is it appropriate? Do you 20 believe in the person?" Those sort of things.</p> <p>21 My impression from my memory of talking with 22 Nancy is that Nancy felt that Juval was not giving 23 results, and I don't know if that's with respect to 24 Ross because at the time the main concern was if 25 there really was some sort of money funded</p>
<p style="text-align: right;">Page 310</p> <p>1 me. He was talking a lot about himself. He was 2 talking a lot about his past; and when someone 3 advertises that much to me, I find them less 4 credible. So it was my position -- it sounded like 5 an awful lot of effort for things like, you know, 6 this -- the thing that I had heard, the astro 7 projection sort of stuff or whatever. And when 8 Juval spoke, it didn't sound very definite. It was 9 all very nebulous.</p> <p>10 Q. Who did you discuss this with?</p> <p>11 A. Which thing?</p> <p>12 Q. What you just testified to, your opinion.</p> <p>13 A. There were times when Joe -- I would mention 14 it to Joe. I'm sure I've mentioned it to Nancy, and 15 I certainly mentioned it to Kristin.</p> <p>16 Q. Okay. Let me start with Joe. I presume 17 we're discussing Mr. O'Hara.</p> <p>18 MR. SKOLNIK: Bob, I'm having trouble 19 hearing your questions.</p> <p>20 MR. LANDY: Sorry.</p> <p>21 A. Joe, I'm sorry.</p> <p>22 Q. Yeah. We're discussing Mr. O'Hara. Did he 23 have any reaction to your position?</p> <p>24 A. Joe was very friendly to me so he always took 25 my positions and seemed to agree, seemed to be</p>	<p style="text-align: right;">Page 312</p> <p>1 politically behind outside of us so that there would 2 be negative press, there would be negative politics, 3 things like that.</p> <p>4 Q. How did Ms. Keeffe react to what you told 5 her?</p> <p>6 A. She's more combative and -- which is fine. I 7 think it's her -- her personality. I think also she 8 was friends with Juval Aviv and upheld him often as 9 being valuable or that he really does seem credible, 10 and she thinks he's genuine and things like that.</p> <p>11 Q. Do you know if there came a time when NXIVM 12 ended its relationship with Interfor?</p> <p>13 A. I assume so.</p> <p>14 Q. You don't know one way or the other?</p> <p>15 A. No, and I don't know when if that happened.</p> <p>16 Q. My next question was going to be why, not 17 when.</p> <p>18 A. Oh.</p> <p>19 Q. Do you know why?</p> <p>20 A. No.</p> <p>21 Q. I'm going to show you a document that was 22 also previously marked. This was marked as NXIVM 23 Exhibit 9. It bears the -- it bears two sets of 24 Bates numbers. It bears the Bates numbers SP0554 25 through 555 as well as JJO-000699 through 700.</p>

<p style="text-align: right;">Page 313</p> <p>1 I'd ask you to review that document. 2 A. (Witness complies.) 3 MR. SKOLNIK: What's the number on this? 4 MR. LANDY: This is previously marked 5 NXIVM-9. It's got the sticker on it. 6 BY MR. LANDY: 7 Q. And when you're done going through this, 8 Mr. Raniere, my first question is going to be 9 whether or not you recognize the document. 10 A. I don't believe this document to be true. 11 Q. We can get to that, but the first question is 12 whether you recognize it. 13 A. No. I recognize from it looking through the 14 documents in this case. 15 Q. Do you recall ever receiving this document? 16 A. No. This document says "Hand Delivered" on 17 the top. 18 If you understood my lifestyle, as certainly 19 Joe did, the only way he could hand deliver it would 20 be to hand me this document. I have never seen this 21 document. 22 Q. I direct your attention to -- one, two -- the 23 third full paragraph on the first page. There's a 24 -- the second sentence is in -- is underlined and in 25 parentheses and reads, "(Note: This specifically</p>	<p style="text-align: right;">Page 315</p> <p>1 Interfor's investigations in the future discussed? 2 A. Not specifically. Juval Aviv spoke of many 3 things that he could do for NXIVM in a very broad 4 sense. It was more of a social dinner. 5 Q. Did you discuss Mr. Ross' -- strike that. 6 Did you discuss Mr. Aviv's meeting with 7 Mr. Ross during what you said was that dinner? 8 A. No. I don't know even if the meeting had 9 occurred or not. He did mention I believe in that 10 meeting also that he had a preexisting relationship 11 with Ross. 12 "I know him." I think he said something 13 along those lines. 14 Q. Is this the meeting at which you learned 15 about the claim that Mr. Ross had I think you 16 described photographs of you? 17 A. No. 18 Q. When did you hear about that? 19 A. I think it was sometime after. 20 Q. Who did you hear it from? 21 A. I believe I heard it from Kristin Keeffe. 22 Q. Did you ever hear of a plan whereby Interfor 23 would arrange that Mr. Ross meet Ms. Keeffe at 24 either a resort or on a cruise with Ms. Keeffe using 25 an assumed name?</p>
<p style="text-align: right;">Page 314</p> <p>1 includes, but is not limited to, the 'Sting 2 Operation' that Keith has proposed Interfor 3 undertake with" -- sorry -- "that Keith has proposed 4 having Interfor undertake with respect to Mr. 5 Ross)." Q. Did you propose having Interfor undertake 6 any actions with respect to Mr. Ross? 7 A. No. 8 Q. Turn to the next page. 9 A. (Witness complies.) 10 Q. Who is Matthew Jones? 11 A. He's an attorney in Saratoga that is a friend 12 of Joe -- Joe O'Hara and a close friend of his 13 partner, Doug Rutnik. 14 Q. Does Mr. Jones -- has Mr. Jones ever 15 represented NXIVM? 16 A. I believe so, yes. 17 Q. Has he ever represented you? 18 A. I don't know if it -- I don't believe so. 19 Q. Was Mr. O'Hara ever your attorney? 20 A. I believe so, yes. 21 Q. I'd like to return to your meeting with 22 Mr. Aviv. 23 At that meeting or that meeting at 24 Ms. Salzman's house was -- were any plans for</p>	<p style="text-align: right;">Page 316</p> <p>1 A. I've seen it in this paperwork, and I believe 2 I heard it before I saw it in the paperwork here. 3 Q. Who did you hear it from? 4 A. I believe I heard it from Kristin. 5 Q. Do you know when you dis -- when you heard it 6 from Kristin? 7 A. And what I heard from Kristin was not 8 necessarily that she was to meet or whatever. I 9 heard it in the context that -- I don't remember -- 10 whoever it was claimed that there was something to 11 do with a cruise ship or she found the cruise ship 12 thing apparently ridiculous -- I don't know -- and 13 if I remember correctly, she found it to be an 14 exaggeration. 15 Q. An exaggeration of what? 16 A. It sounds like there was some planned thing 17 where they were going to get information that Ross 18 was telling people, and I don't know if it was from 19 -- with Kristin, per se, but I do believe I did hear 20 this from Kristin. 21 Q. Do you know when you heard it from Kristin? 22 A. No, not specifically. 23 Q. Do you know whether Kristin was supposed to 24 be involved in this plan? 25 A. When you say "involved" --</p>

1 Q. A participant.
 2 A. Oh, that I don't know so...
 3 Q. Then the second question is whether she was
 4 involved in the planning of what we can refer to as
 5 a sting.
 6 A. That I don't know. She might have been.
 7 Q. Did you ever -- I'm going to refer to that
 8 meeting -- to this plan of meeting Rick Ross on a
 9 cruise ship that's somewhat undefined as "the sting"
 10 just for ease of --
 11 A. Can you exclude the cruise ship? Just say
 12 some meeting with Rick --
 13 Q. Some meeting with Rick Ross somewhere --
 14 A. Right.
 15 Q. -- with -- well, I have to -- give me a
 16 second to rephrase that.
 17 Are you aware that Mr. Ross, in fact, met
 18 with Mr. Aviv and one -- and an employee of Interfor
 19 at some point?
 20 A. Yes.
 21 Q. Okay. Are you aware that there was a planned
 22 second stage of this operation whereby Mr. Ross was
 23 supposed to meet with someone else who would be an
 24 employee or a member or a student of NXIVM?
 25 A. I'm aware of that now.

1 Q. When did you become aware of that?
 2 A. Reading the paperwork. It was my impression
 3 that whatever information they wanted they had
 4 gotten in this tape.
 5 Q. When you say "they," who are you referring
 6 to?
 7 A. Joe O'Hara, Interfor and that group, Nolan &
 8 Heller. I don't know how they're involved in there.
 9 Q. Did anyone at NXIVM ever express to you an
 10 objection to the fact that Ross had or that Mr. Aviv
 11 had met with Mr. Ross?
 12 A. 'Cause I've read the things in this case, I
 13 mean --
 14 Q. Well, the question is did anyone ever express
 15 to you an objection?
 16 A. An objection. Not that I recall.
 17 Q. Did Ms. Salzman ever discuss -- ever mention
 18 any objection to the actions that Mr. Aviv had taken
 19 in meeting Mr. Ross when you had a discussion with
 20 her about the continuing use of Interfor's
 21 services --
 22 A. No.
 23 Q. -- that we discussed about earlier?
 24 A. No, not that I remember.
 25 Q. Okay. Did Ms. Keeffe ever express an

1 objection to you to the actions of --
 2 A. No, not that I remember.
 3 Q. Hold on. You got to let me finish the
 4 question and then --
 5 A. I haven't heard an objection to that, so I
 6 was going to answer.
 7 Q. I know that. I'm just -- for the transcript,
 8 I got to finish the question and then you give me
 9 the answer or else you got these dashes and then it
 10 becomes completely muddled.
 11 The question is did Ms. Keeffe ever express
 12 to you any objection concerning Interfor's meeting
 13 with Rick Ross?
 14 A. No, not that I'm aware.
 15 Q. When was the first time you saw NXIVM Exhibit
 16 9?
 17 A. I think when I looked through the papers
 18 given me for this deposition.
 19 Q. Now, correct me if I'm mischaracterizing your
 20 earlier testimony, but is it your understanding that
 21 Joseph O'Hara and Nolan & Heller were -- believed
 22 that they had obtained the information that they
 23 were seeking after Mr. Ross' first meeting with
 24 Juval Aviv? Because you said "they."
 25 A. Yeah. I don't know if it was after the first

1 meeting, and I don't know exactly the whys and
 2 wherefores, but what it sounded like was that
 3 whatever this tape was damning and that that
 4 was good.
 5 Q. Did you ever -- do you know if Ms. Keeffe
 6 held the same opinion?
 7 A. No, I don't know.
 8 Q. Did anyone actually tell you that the tape
 9 was damning and that that was good? Not in those
 10 specific words.
 11 A. Yeah. I imagine Kristin saying some of the
 12 details that I mentioned to you and in a very
 13 emphatic sense said, "this, this, this." I think
 14 it's my -- my opinion that it was, if you will,
 15 complete, good, whatever, that that was captured.
 16 MR. LANDY: Could I just have the last
 17 answer read back.
 18 (The following was read back by the
 19 reporter:
 20 "Yeah. I imagine Kristin saying some of
 21 the details that I mentioned to you and in a very
 22 emphatic sense said, 'this, this, this.' I think
 23 it's my -- my opinion that it was, if you will,
 24 complete, good, whatever, that that was captured.")

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1 BY MR. LANDY:

2 Q. What do you mean by in your opinion?
 3 A. In other words, Kristin would say, you know,
 4 "Oh, this, this and this." And, you know, I had
 5 heard for a long time -- we have different people
 6 who have heard this from Ross and that from Ross,
 7 and it's a lot of hearsay.

8 If it is indeed something that's legitimately
 9 documented, that's better. That's more reliable
 10 data. You know, no matter how much I might think
 11 Ross is an opponent, there's opinion and there's
 12 data, and there's a lot of hearsay.

13 MR. McGUIRE: Mr. Landy, if such a tape
 14 exists, would you produce it, please?

15 MR. LANDY: It was produced --

16 MR. McGUIRE: It was?

17 MR. LANDY: -- bearing Bates numbers
 18 Interfor 00001. I have a segment with me today as
 19 well as an unofficial transcript of it --

20 MR. McGUIRE: All right. Thank you.

21 MR. LANDY: But we'll get to that.

22 I might have messed up the number of
 23 zeroes, but I think it was four of them.

24 I'm sorry. Now I have to hear the last
 25 answer once more.

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1 (The following was read back by the
 2 reporter:

3 "In other words, Kristin would say, you
 4 know, 'Oh, this, this and this.' And, you know, I
 5 had heard for a long time -- we have different
 6 people who have heard this from Ross and that from
 7 Ross, and it's a lot of hearsay. If it is indeed
 8 something that's legitimately documented, that's
 9 better. That's more reliable data. You know, no
 10 matter how much I might think Ross is an opponent,
 11 there's opinion and there's data, and there's a lot
 12 of hearsay.")

13 BY MR. LANDY:

14 Q. Were you pleased with what Ms. Keeffe told
 15 you that Interfor was able to capture?

16 A. I haven't seen the transcript of the tape, so
 17 I don't know. I mean, what she was saying sounded
 18 pretty wild.

19 Q. Do you have an understanding of where
 20 Mr. Ross purportedly received the material that he
 21 purported -- start that again.

22 Do you know whether or not Mr. Ross, in fact,
 23 had the materials he claimed to have?

24 A. Mr. Ross had what materials?

25 Q. That we've been discussing, the mis --

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1 A. The trade secret materials?

2 Q. No, no, no. Sorry. Taking a broader sense to
 3 shorten the conversation, that actually had the
 4 materials that Ms. Keeffe had described to you?

5 A. Like the pictures and all that?

6 Q. Yes.

7 A. No, I have no knowledge of that.

8 Q. So you would have no knowledge of where he
 9 got it?

10 A. Correct.

11 Q. Did any of the --

12 A. I don't believe they exist.

13 Q. My next question was did any of the things
 14 that Ms. Keeffe described to you seem to be things
 15 you knew actually existed?

16 MR. McGUIRE: Let me have that read
 17 back, please.

18 (The following was read back by the
 19 reporter:

20 "My next question was did any of the
 21 things that Ms. Keeffe described to you seem to be
 22 things you knew actually existed?"

23 A. No.

24 MR. LANDY: All right. Now, I actually
 25 have to mark something.

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1 What are we up to?

2 THE REPORTER: Raniere-16.

3 MR. LANDY: Okay. I'd ask the court
 4 reporter to mark as Raniere-16 a document entitled
 5 Keith Raniere's Responses to Defendant Rick Ross'
 6 First Amended Set of Interrogatories to NXIVM
 7 Corporation; another mouthful.

8 (Keith Raniere's Responses to Defendant
 9 Rick Ross' First Amended Set of Interrogatories
 10 to NXIVM Corporation was received and marked
 11 Defendant's Exhibit Raniere-16 for Identification.)
 12 (A discussion was held off the record.)

13 BY MR. LANDY:

14 Q. Do you recognize this document, sir?

15 A. Yes, I believe I do.

16 Q. On the second-to-last page, which is Page
 17 Number 13, is that your signature?

18 A. Yes. I am curious -- okay. I misread
 19 something where it said March 1, 2007, in the front.
 20 Yeah, I have one set of things that I signed
 21 February 1st but not March.

22 Q. All right. If you turn to Page 6, I'm going
 23 to direct you to the third paragraph of the response
 24 to Interrogatory Number 1.

25 A. 6?

<p style="text-align: right;">Page 325</p> <p>1 Q. Page 6. 2 A. Mr. Ran -- it starts, "Mr. Raniere does 3 recall some"? 4 Q. It starts, "Mr. Raniere does recall." 5 A. Uh-huh. 6 Q. I'll just read it for the record. 7 "Mr. Raniere does recall some communications 8 with Kristin Keeffe where the subject matter 9 generally involved a revelation that came to light 10 because of Interfor's work that Rick Ross claimed to 11 falsely possess material of a very personal nature 12 Mr. Raniere deemed inappropriate and in violation of 13 his right to privacy with which, he was informed, it 14 was Rick Ross' stated intention to coerce NXIVM." 15 Are those materials of a very personal nature 16 what we've just been discussing? 17 A. Uh-huh. 18 Q. Say "yes" or "no." 19 A. Yes. 20 Q. Okay, but you believe the -- isn't it -- 21 start it again. 22 Is it true that you believe the materials 23 that Mr. Ross claimed to have don't really exist? 24 A. Correct. 25 Q. Okay. Can you explain how it is a -- what</p>	<p style="text-align: right;">Page 327</p> <p>1 Q. The whole -- 2 A. The full paragraph? 3 Q. Read the full paragraph. 4 A. (Witness complies.) 5 Yes. 6 Q. All right. Do you see on the -- on Page 10 7 where it says, "The details of the alleged 'plan' 8 were attended to by others, and Mr. Raniere only 9 learned of them subsequent to Interfor's attempted 10 implementation." 11 A. Yes. 12 Q. Who were the others you were referring to? 13 A. Joe O'Hara, I guess Nolan & Heller if they 14 were involved, possibly Kristin. I mean, I believe 15 she knew. 16 Q. I turn your attention to Page 11, which is 17 the response to Interrogatory Number 10. 18 Again, the paragraph starts with, "Without 19 waiving the foregoing objection," but if you would 20 read that paragraph to yourself, and then I'll have 21 a quick one or two questions about it as well. 22 A. (Witness complies.) 23 MR. McGUIRE: Interrogatory 11? 24 MR. LANDY: No. Response to 10, Page 25 11.</p>
<p style="text-align: right;">Page 326</p> <p>1 did you mean by it was a violation of -- I'm 2 paraphrasing -- your right to privacy? 3 A. Uh-huh. If such materials do exist, it's 4 either there is a type of exaggerated hearsay going 5 on or there is slander or there is an invasion of 6 privacy. So it's my position -- and I have never 7 seen these things -- if these things exist, they are 8 a violation of my privacy. It's hard to imagine 9 they do. 10 Q. Is it your position that they violate your -- 11 strike that question. 12 I'd like to direct your attention to your 13 response to Interrogatory Number 8, which is the 14 paragraph that begins on Page 9 and continues on to 15 Page 10. 16 A. Uh-huh. 17 Q. It starts with, "Without waiving these 18 objections" -- 19 A. Uh-huh. 20 Q. -- but most of the paragraphs start that way. 21 A. Uh-huh. 22 Q. Just read that to yourself and then I'll ask 23 you a quick question or two. 24 A. The first line of the paragraph or 25 continuing?</p>	<p style="text-align: right;">Page 328</p> <p>1 MR. McGUIRE: I'm sorry. 2 (A discussion was held off the record.) 3 A. Uh-huh. 4 Q. On Page 11, one, two three, four -- five 5 lines down in the sentence that starts with the -- 6 the last word of that sentence -- 7 A. At? 8 Q. -- reads: "At some point during the course 9 of this litigation Mr. Raniere became aware of a 10 written communication from Interfor entitled 'Status 11 Report' that was a report on the status of an 12 investigation into Rick Ross." 13 When during this litigation did you become 14 aware of the Status Report? 15 A. I'm not exactly sure, but I'm trying to 16 remember if it was before or after the 17 counterclaims. I think it was before the 18 counterclaims were filed. 19 Q. By Mr. Ross? The counterclaims by Mr. Ross? 20 A. Yes. 21 Q. Okay. Did you see it? 22 A. I'm not positive. No. 23 Q. Who did you hear about it from? 24 A. I believe I heard about it from Kristin. 25 Q. All right. You can put Raniere-16 aside.</p>

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1 Who is Toni Natalie?
 2 A. Toni Natalie is a -- an ex-business associate
 3 of mine, someone who was involved with Consumers'
 4 Buylne, someone that I was very involved with
 5 personally.
 6 Q. By "personally," do you mean romantically?
 7 MR. CAMPION: None of that.
 8 Are you going to press that point.
 9 MR. LANDY: Let me take a look and see
 10 if I can get around it.
 11 Let's go off the record for one second.
 12 Can we chat for a second?
 13 MR. CAMPION: Sure.
 14 THE VIDEOGRAPHER: Going off the record
 15 at 2:45.
 16 (At this point, there was a short
 17 recess.)
 18 THE VIDEOGRAPHER: This is the beginning
 19 of Tape Number 5. The time is 3:08.
 20 BY MR. LANDY:
 21 Q. At this point, Mr. Raniere, I'd like to mark
 22 an excerpt from an audio recording. I'll represent
 23 to you that this audio recording was produced in
 24 discovery in this action. It bears the Bates
 25 Numbers Interfor 00001, and what I'm going to --

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1 what we will be discussing is the section on the
 2 CD that runs from 55 minutes and 32 seconds to 57
 3 minutes and 34 seconds.
 4 I've spoken with your counsel while off the
 5 record, and he's agreed to in lieu of me actually
 6 playing this excerpt handing out a transcript of the
 7 excerpt which was prepared by my office. This is
 8 not an official transcript. We did our best to be
 9 as accurate as possible.
 10 MR. CAMPION: Okay. Let's go.
 11 MR. LANDY: All right, and this is going
 12 to be marked as Raniere-Exhibit 17.
 13 (Excerpt From Audio Recording of Meeting
 14 Among Rick Ross, Juval Aviv, and Lynne Friedman on
 15 November 23, 2004, consisting of two pages was
 16 received and marked Defendant's Exhibit Raniere-17
 17 for Identification.)
 18 MR. CAMPION: Obviously, the witness and
 19 his counsel are not in a position to affirm or deny
 20 the accuracy of the translation, but we accept the
 21 representation you have made and believe the
 22 questioning should now proceed.
 23 MR. LANDY: Okay.
 24 BY MR. LANDY:
 25 Q. In the interest of time, I'm not going to go

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1 over the entire excerpt. What we'll do is I'll
 2 read a portion, and then I'll ask you a question;
 3 and then I'll read a portion, and then I'll ask you
 4 a question.
 5 MR. SKOLNIK: Bob, could you keep your
 6 voice up?
 7 MR. LANDY: Yeah, sure.
 8 MR. SKOLNIK: I'm still having trouble
 9 hearing you.
 10 BY MR. LANDY:
 11 Q. So I'm starting approximately -- starting
 12 about halfway down the page with Mr. Aviv where he
 13 starts, "Also update your files," and it goes as
 14 such.
 15 "Aviv: Also update your files, if there is,
 16 find out the latest in the cult. You have anything,
 17 you know new is going on, because I think that will"
 18 -- sorry -- "that what will impress her that you
 19 know about them everything. That's what is going
 20 currently and things like that."
 21 "Ross: How's this for impressive: I have
 22 200 photographs of Raniere at one of his functions.
 23 I have him in compromising poses with his (sic)
 24 girlfriends."
 25 "Aviv: Oh, my God!"

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1 Ross: I have him in the nude. I have, I
 2 have one picture of him naked standing in front of
 3 his girlfriend with a red ribbon tied around his
 4 penis.
 5 Aviv: No!
 6 Ross: Which is erect.
 7 Aviv: Oh, my God! (Laughter)."
 8 Did Ms. Keefe tell you about those
 9 statements that Mr. Ross made?
 10 A. I believe she mentioned the photograph with
 11 the ribbon, and I heard that there were many
 12 photographs supposedly, me in the shower and such
 13 things. I don't know if it was her.
 14 Q. Moving on to the second page of the
 15 transcript, the second quote from Mr. Ross says:
 16 "Ross: No, I guarantee you she hasn't. I
 17 have letter written. I can get a copy of a letter
 18 written in his own hand in which he states all of
 19 these things (sic) that I am telling you and about
 20 the Christ child, how you will bear my seed in your
 21 womb. Crazy stuff and court records that have
 22 nothing" (sic) -- "that have to do with harassment
 23 of his former girlfriend."
 24 Do you know what letter he's referring to
 25 here? By "he," I mean Mr. Ross.

<p style="text-align: right;">Page 333</p> <p>1 A. No. 2 Q. Did Ms. Keeffe tell you about this letter? 3 A. I don't believe she told me about the letter. 4 Q. You can put it aside. 5 MR. McGuire: Just one second, Bob. 6 (A discussion was held off the record. 7 MR. LANDY: Go on? 8 MR. McGuire: Yes. 9 MR. LANDY: Okay.</p> <p>10 BY MR. LANDY: 11 Q. Do you know whether a purpose of the Ross investigation was to find out about Ross' past? 12 A. The purpose -- I suspect when you investigate someone you do a dossier of some sort on them. I don't know if that was the purpose necessarily. 13 Q. No. I'm not asking you to speculate. I'm asking you whether you know what the purpose was. 14 A. I don't know. 15 Q. Do you know whether, in fact, Interfor collected information about Ross -- Mr. Ross' past? 16 A. No, I don't know. 17 Q. I won't use the word "purpose" then. 18 Do you know whether one of the objections -- objections -- start again. 19 Do you know whether one of the objectives of</p>	<p style="text-align: right;">Page 335</p> <p>1 obtained information concerning who Mr. Ross was in communication with? 2 A. No, I don't know. 3 Q. You partially answered this yesterday, but have you ever spoken with anyone who is a member of the Church of Scientology? 4 A. Yes. 5 Q. Have you ever spoken to anyone who is a member of the Church of Scientology about Rick Ross? 6 A. No -- oh, well, maybe. It's possible. 7 Q. Do you know who that conversation would have been with? 8 A. Sean Bergeron. 9 Q. Who is Mr. Bergeron? 10 A. I play volleyball with him. He's a student at NXIVM. He's a friend. I tutored him in biology. 11 Q. But you don't remember the substance of any conversations concerning Mr. Ross? 12 A. No. It would be just something in passing or general. 13 Q. Have you ever seen any documents or information -- start that again. 14 Have you ever seen any documents or information concerning Mr. Ross that you understood to be from the Church of Scientology or from a</p>
<p style="text-align: right;">Page 334</p> <p>1 the Ross investigation was to find out about Mr. Ross' finances? 2 A. No, I don't know that. 3 Q. Do you know whether Interfor, in fact, did learn anything about Mr. Ross' finances? 4 A. I've heard from the Metroland article that the reporter, Chet Hardin, spoke to Rick Ross on the phone and identified that within the report there were accurate financial transactions from Rick Ross. 5 That's as much as I know. As much as that is true, that's as much as I know. 6 Q. Did you ever speak to Ms. Keeffe about financial information that Interfor had uncovered concerning Mr. Ross? 7 A. No. 8 Q. Did you ever speak to Ms. Salzman about it? 9 A. No. 10 Q. Was one of the objections -- I did it again. 11 Start again. 12 Was one of the objectives of the Ross investigation to find out who Mr. Ross communicated with? 13 A. I'm not sure. I -- I don't know that for sure. 14 Q. Do you know whether, in fact, Interfor</p>	<p style="text-align: right;">Page 336</p> <p>1 person affiliated with the Church of Scientology? 2 A. Say that again. Have I ever seen any documents from -- 3 Q. Let me start the question again. 4 Have you ever seen any documents that you understood to be from a representative or a member of the Church of Scientology concerning Mr. Ross? 5 A. I think so. 6 Q. What have you seen? 7 A. There is a woman -- I think her name is Nancy Anamann or something like that -- who allegedly got a whole bunch of information, and it's on a CD and available on the Internet or some such thing. I have seen some things from that. I believe it's from that. 8 Q. How did you come to see that information? 9 A. I think -- 10 THE WITNESS: 'Cause this involves an attorney. 11 MR. CAMPION: Attorney-client privileged material will be waived. 12 THE WITNESS: Okay. 13 A. I'm not sure if I've seen it outside of that. 14 I don't know. 15 Q. Is it your understanding that Ms. Keeffe</p>

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<p>1 attended to the day-to-day management of Interfor's 2 investigations?</p> <p>3 MR. McGuire: Object to the form of that 4 question.</p> <p>5 Q. Let me rephrase it.</p> <p>6 Is it your understanding that Ms. Keeffe was 7 Interfor's primary contact at NXIVM?</p> <p>8 A. She was definitely a contact at NXIVM. I 9 don't know if she was the primary contact because 10 she and Joe worked very closely together on such 11 matters.</p> <p>12 Q. Did Ms. Keeffe ever tell you that Interfor 13 had collected Mr. Ross' trash as part of the 14 investigation?</p> <p>15 A. I don't know if she told me. I have heard 16 that, and I've seen it in the --</p> <p>17 Q. When did you --</p> <p>18 A. -- documentation.</p> <p>19 Q. Do you know when you first heard it?</p> <p>20 A. It may have been after Joe left I think I 21 heard that he had -- maybe he had trash or something 22 like that that had -- that had something that had to 23 be -- that had to be decided what to do with or 24 whatever.</p> <p>25 Joe was saying all sorts of complaints, and I</p>	<p>1 Q. The answer was?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. I'm sorry.</p> <p>5 Q. Was Interfor's investigation of Rick Ross 6 part of a larger public relations campaign to 7 improve NXIVM's image?</p> <p>8 A. I might classify it that way, I imagine.</p> <p>9 Q. Have you heard of a company called Sitrick & 10 Company -- Sitrick & Co.?</p> <p>11 A. Yes.</p> <p>12 Q. What is Sitrick & Co.?</p> <p>13 A. To my knowledge, they're a PR firm.</p> <p>14 Q. Okay. Do you know whether Sitrick & Co. And 15 Interfor worked in concert on behalf of NXIVM?</p> <p>16 A. I'm not sure.</p> <p>17 Q. What was Sitrick hired to do?</p> <p>18 A. Create a branding image for NXIVM and to 19 create positive press. In specific, I think the 20 head of Sitrick had said that he had a re -- a good 21 relationship with Forbes magazine so that an article 22 might be run to counter the other article.</p> <p>23 Q. Was part of what Sitrick was hired to do to 24 discredit Mr. Ross?</p> <p>25 A. I don't know.</p>
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<p>1 think at that point I heard that that was from 2 Rick Ross, possibly from Kristin.</p> <p>3 Q. Possibly from --</p> <p>4 A. Kristin.</p> <p>5 Q. The trash was from Rick Ross. The 6 information was possibly from Kristin, just to --</p> <p>7 A. Correct.</p> <p>8 Q. -- be clear.</p> <p>9 A. And that's what I heard. I never saw the 10 trash.</p> <p>11 Q. Again, the question was when. You testified 12 around the time that --</p> <p>13 A. It was that spring. I'm trying to think of 14 what year it was but --</p> <p>15 Q. 2005?</p> <p>16 A. Yeah. It was something like March, somewhere 17 in there.</p> <p>18 Q. Were you ever made aware of what the sources 19 of Interfor's information was?</p> <p>20 A. No.</p> <p>21 Q. Do you know whether Interfor received 22 documents from the Scientologists?</p> <p>23 A. No.</p> <p>24 Q. Do you know who Kendrick Moxon is?</p> <p>25 A. No.</p>	<p>1 Q. I'm going to ask you a couple questions 2 concerning Ms. Keeffe.</p> <p>3 Do you have an understanding of what her 4 responsibilities at NXIVM were in the period of 2004 5 to 2005?</p> <p>6 A. Not completely, no.</p> <p>7 Q. Do you have a partial understanding?</p> <p>8 A. (No audible response.)</p> <p>9 Q. What is your partial understanding?</p> <p>10 A. She worked closely -- well, when Joe was 11 around, she worked closely with Joe. She also works 12 closely with the NXIVM attorneys. She does like 13 paperwork and things like that, and when they need 14 data, she gather data from what I understand.</p> <p>15 Q. Is it her job to hire and fire outside 16 counsel?</p> <p>17 A. No.</p> <p>18 Q. Did -- in the period of 2004 and 2005, 19 are you aware if whether -- are you aware if 20 Ms. Keeffe ever conducted investigations on her 21 own on behalf of NXIVM?</p> <p>22 A. She may have. I don't know. It implies --</p> <p>23 when she says things relating to the internet like 24 Juval Aviv got stuff off of the internet, I mean, 25 she probably has looked on the internet so...</p>

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<p>1 Q. Between 2004 or in the period of 2004 to 2005 2 -- let me start the question again. 3 Do you know whether in the time frame of 2004 4 or 2005 Ms. Keeffe conducted any surveillance on any 5 property on behalf of NXIVM?</p> <p>6 A. Surveillance on property. 7 Q. By "property," I mean an address. 8 A. And surveillance. Where -- 9 Q. I mean, it's -- let me -- 10 A. I have a piece of information, and it may 11 fall in this bailiwick. I had heard that when Rick 12 Ross first moved here, he lived in a small 13 apartment. Now he lives in a very large apartment. 14 I don't know if she went and looked that on the 15 internet or how she knows that, but it seems 16 reasonable if she makes a trip to New Jersey to 17 drive by an address to see what it looks like. She 18 seemed to have opinions about it.</p> <p>19 Q. What did Ms. Keeffe say when she told you 20 about Mr. Ross' apartments? Let me back that up. 21 That assumes that Ms. Keeffe told you that.</p> <p>22 How did you come to learn that Ms. Keeffe 23 knew what Mr. Ross' apart -- two apartments looked 24 like?</p> <p>25 A. How did -- I'm sorry.</p>	<p>1 Q. Have you ever been arrested? 2 A. I don't know. I did a traffic infraction 3 once. 4 Q. If that's your answer, that's fine. 5 A. Yeah, I -- yeah. 6 Q. Have you ever been convicted of a crime? 7 A. No. 8 Q. Bear with me for about two minutes. I think 9 I'm done. I'll just review my notes. 10 Do you know whether NXIVM and Frank Parlato, 11 Jr. Ever had a falling out? 12 A. I believe so. 13 Q. Do you know the circumstances of that? 14 A. No, I don't know the complete circumstances. 15 Q. Do you know who would? 16 A. Kristin probably would. 17 Q. Would Ms. Salzman? 18 A. I suspect she would, but I'm not sure. 19 MR. LANDY: That's a different day. 20 I'll actually ask her. 21 All right. I think I got one follow-up. 22 Let me look at my notes from earlier. 23 Sir, thank you for your time. I have no 24 further questions. 25 THE WITNESS: Thank you.</p>
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<p>1 Q. How did you come to learn that Ms. Keeffe had 2 an understanding of what Mr. Ross' apartments looked 3 like? 4 A. She told me that she thinks Mr. Ross has a 5 good degree of wherewithal. 6 Q. Did she say anything else during that 7 conversation concerning Mr. Ross? 8 A. No. 9 Q. Did Ms. Keeffe ever tell you that she had 10 obtained Mr. Ross' phone records? 11 A. No. 12 Q. Did Ms. Keeffe ever tell you that she 13 obtained Ms. Natalie's phone records? 14 A. No. 15 Q. Has Keith Raniere always been your legal 16 name? 17 A. Yes. 18 Q. I'm sorry. 19 A. Alan -- 20 Q. Has Keith Alan Raniere always been -- 21 A. Yes. 22 Q. -- your legal name? 23 In the period of 2004 to 2005, did you have 24 an office? 25 A. Probably not. No, I don't think so.</p>	<p>1 MR. SKOLNIK: The record should reflect 2 that I'm going to start questioning Mr. Raniere now. 3 I have several hours of questions for Mr. Raniere, 4 and I have already been advised by counsel that 5 you're planning to cut this deposition off today at 6 5:30. If that's the case, rest assured that I'll be 7 making an application to the Court for another -- 8 another day, and I would suggest and I want it on 9 the record that I'm suggesting that before we all 10 adjourn today, since we are all here, that we try 11 to agree upon an adjourned date. 12 I'm assuming that you'll oppose the 13 application for another date, but I think that we 14 ought to agree upon a resumed date of the deposition 15 if Judge Falk or Judge Kavanaugh grants my request 16 to continue the deposition. 17 MR. CAMPION: Mr. Skolnik, we're 18 prepared to go until 7:00 today if that will 19 conclude the deposition. 20 MR. SKOLNIK: It will not. 21 MR. CAMPION: Okay. 22 MR. McGUIRE: That would take us to more 23 than two days. 24 MR. SKOLNIK: I mean, the record -- the 25 record will reflect the amount of time that</p>

1 Mr. Raniere has actually been questioned when you
 2 take into consideration among other things the break
 3 that we all took yesterday for the best part of
 4 almost two hours for our negotiation; but that
 5 aside, no matter how many hours have actually been
 6 placed on the record, I'm going to be applying for a
 7 new amount of time.

8 MR. CAMPION: Okay.

10 CROSS-EXAMINATION BY MR. SKOLNIK:

11 Q. Mr. Raniere, I think you know I'm Peter
 12 Skolnik, and I represent the Ross defendants and the
 13 Martin defendants; and the same rules that have been
 14 applying for the questioning by other counsel apply
 15 as well.

16 You understand that?

17 A. Yes.

18 Q. And you understand you're still under oath?

19 A. Yes.

20 Q. Okay. You testified earlier today that
 21 Frank Parlato had been hired to generate positive
 22 press for NXIVM, is that right?

23 A. I believe so.

24 Q. Why?

25 A. I imagine because NXIVM has negative press.

1 consultant.

2 Q. Who was that consultant?

3 A. I think it was Steve Pigeon, but I'm not
 4 sure.

5 Q. And what kind of consulting did Mr. Pigeon do
 6 for NXIVM?

7 A. I don't know exactly. I think he's a lawyer.

8 Q. You testified that you found Mr. Parlato to
 9 be aggressive.

10 A. Yes.

11 Q. In what way was he aggressive?

12 A. In the way he spoke, in the way he moved, in
 13 some of the things that he said.

14 Q. What kinds of things did he say?

15 A. He believed that making statements to the
 16 media was good and stating things that he believed
 17 to be true to the media was good. I believe that if
 18 you deal with the media, they may well take what you
 19 say or not. They may take it out of context, and he
 20 believed in speaking to the media, talking to the
 21 media, giving interviews with the media and things
 22 like that.

23 Q. Did he ever tell you that he thought making
 24 misrepresentations to the media was in NXIVM's best
 25 interests?

1 Q. So what kind of press in particular was
 2 Mr. Parlato hired to try to generate?

3 A. I don't know specifically.

4 Q. Do you know generally?

5 A. I imagine positive articles, positive stories
 6 relating to NXIVM.

7 Q. And what is the basis for your knowledge
 8 about Mr. Parlato's assignment?

9 A. Some things that Mr. Parlato has told me.

10 Q. Do you know about his assignment from anyone
 11 other than Mr. Parlato himself?

12 A. Somewhat from Kristin Keeffe, I believe.

13 Q. What did Kristin Keeffe tell you?

14 A. I think she had a great degree of belief in
 15 Frank's ability to handle the media, that he was
 16 strong, that he had media connections so that he
 17 could get events covered and positive press.

18 Q. How did she know Mr. Parlato?

19 A. She worked with him quite a bit. I think
 20 they were friends.

21 Q. When you say she worked with him, she worked
 22 with him prior to her involvement with NXIVM or
 23 prior to his involvement with NXIVM?

24 A. No. It's my understanding she met him
 25 through NXIVM. I think she met him through a NXIVM

1 A. No, and that's something that I would not
 2 agree with.

3 Q. But he never told you that?

4 A. No.

5 Q. And he never told you that he was going to
 6 use aliases to represent NXIVM to the media?

7 A. No.

8 Q. What did you conclude when you found out
 9 about that?

10 A. Found out about?

11 Q. That he had used an alias in talking to the
 12 media.

13 A. I found out about that today.

14 Q. And how did you react today?

15 A. I -- I think it's horrible. I don't agree
 16 with it.

17 Q. Now, you told us that you and Mr. Parlato
 18 discussed Mr. Ross, and I think you said that --
 19 that Mr. Parlato's opinion was that Mr. Ross was
 20 the lowest of the low.

21 Was that your phrase?

22 A. Yes.

23 Q. What was the basis for his opinion?

24 A. I don't know.

25 Q. Did you ask him?

1 A. He said to me, "I know his type."
 2 I believe his basis for the opinion was
 3 reading what was on the internet.
 4 Q. Did you ask him what the basis for his
 5 opinion was?
 6 A. No.
 7 Q. Do you simply take people's word for that
 8 kind of thing without investigating what -- what
 9 they're talking about?
 10 A. I think you're assuming that I believed what
 11 he said. I believe that he believed that. I didn't
 12 think he was lying to me, that he believed Ross was
 13 the lowest of the low.
 14 Q. So you didn't explore the subject with him at
 15 all? You didn't -- you didn't challenge him?
 16 A. No.
 17 Q. We need verbal answers.
 18 A. No, I did not challenge him.
 19 Q. Now, you testified that you told Joseph
 20 O'Hara to hire both of the firms that had been
 21 suggested by Nolan & Heller.
 22 A. I suggested.
 23 Q. Right, and that you suggested they both be
 24 given a simple assignment and to compare the
 25 results.

1 A. Uh-huh.
 2 Q. Why was O'Hara suggesting that NXIVM hire any
 3 firm?
 4 MR. McGuIRE: Object to the form of the
 5 question.
 6 Q. You can answer.
 7 A. I don't understand. Oh --
 8 MR. CAMPION: You may answer.
 9 THE WITNESS: Okay.
 10 A. I think there is a suspicion -- was a
 11 suspicion that there was money politically put
 12 against us so that we did not get good press and
 13 that we did not get a fair hearing in the media and
 14 in the political arenas. So the question has always
 15 been if this is true; and then if this is true, who,
 16 how, what is -- what is behind it?
 17 Q. Who had that suspicion?
 18 A. I -- I think I've shared that suspicion to a
 19 degree. I think Nancy shares that suspicion. I
 20 think Kristin shares that suspicion. I think a
 21 number of people do.
 22 Q. Who suggested to Mr. O'Hara that he try to
 23 get names of investigators?
 24 A. I don't know.
 25 Q. Did he approach you about the idea of hiring

1 investigators?
 2 A. Yes. As a matter of fact, I think he
 3 originally approached because he wanted to find
 4 someone who would find Kris Snyder.
 5 Q. Why did he want to find someone who could
 6 find Kris Snyder?
 7 A. Because some people believe, as I do, that
 8 Kris Snyder is likely alive.
 9 Q. Were either of the simple assignments that
 10 you suggested be given to the two firms suggested by
 11 Nolan & Heller related to the search for Kristin
 12 Snyder?
 13 MR. LANDY: I warn counsel that we're
 14 now going into an area that's outside of Judge
 15 Treece's opinion concerning which portion of
 16 Interfor's relationship with NXIVM the
 17 attorney-client privilege had been waived on.
 18 THE WITNESS: Also, I believe Joe O'Hara
 19 was my attorney.
 20 MR. LANDY: I can't instruct anyone to
 21 answer or not answer. I'm just making a statement.
 22 MR. CAMPION: Could I have the question
 23 again, please?
 24 MR. SKOLNIK: Could you read it back?
 25 (The following was read back by the

1 reporter:
 2 "Were either of the simple assignments
 3 that you suggested be given to the two firms
 4 suggested by Nolan & Heller related to the search
 5 for" --)
 6 MR. CAMPION: Okay. That does not
 7 involve a privilege question.
 8 Continuing...
 9 A. I didn't specify the assignment. I said it
 10 should be simple and verifiable.
 11 Q. I want to ask you to call upon your powers of
 12 recall and give me the best recollection you have
 13 today of the sequence of your knowledge about
 14 NXIVM's involvement with Interfor.
 15 What did you know, when did you know it, and
 16 who did you know it from?
 17 A. I knew from Joe O'Hara that there existed
 18 Interfor. They were one of two firms that Nolan &
 19 Heller, an attorney firm, had used or suggested and
 20 I don't know which. I was aware I think NXIVM ended
 21 up using both firms on an ongoing basis. I don't
 22 know how long the other firm was used.
 23 Q. Do you know what the other firm was used for?
 24 A. No.
 25 MR. McGuIRE: Mr. -- oh, I'm sorry.

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<p>1 Go ahead. Finish your answer. I beg 2 your pardon.</p> <p>3 THE WITNESS: Okay.</p> <p>4 A. I do consider Joe O'Hara my attorney so I 5 don't know what to --</p> <p>6 MR. McGUIRE: Well, that's what I was 7 just going to put on the record.</p> <p>8 At the last deposition -- I think it was 9 of Ms. Keeffe -- it was agreed that we would reserve 10 our rights concerning the attorney-client 11 relationship with Mr. O'Hara.</p> <p>12 So with your agreement, I will stipulate 13 or you will stipulate and the two of us will 14 stipulate that we're reserving all of those rights.</p> <p>15 MR. SKOLNIK: Agreed.</p> <p>16 MR. McGUIRE: Okay.</p> <p>17 MR. CAMPION: Continue to answer the 18 question without reference to conversations with 19 O'Hara.</p> <p>20 MR. McGUIRE: Unless they took place 21 after a point in time where in the Treence opinion 22 O'Hara conceded that he became the attorney for 23 NXIVM. I think that was sometime in July, if I 24 recall.</p> <p>25 MR. SKOLNIK: So the record is clear --</p>	<p>1 by counsel without reference to communications 2 between you and O'Hara, okay.</p> <p>3 THE WITNESS: Do I delete them?</p> <p>4 MR. CAMPION: Indicate at the beginning 5 of your answer that you are not including those 6 conversations, okay.</p> <p>7 THE WITNESS: Okay.</p> <p>8 How do -- if I have found factual 9 information through O'Hara that I know, how do I 10 add that in?</p> <p>11 MR. CAMPION: There's the communication 12 that is privileged. What you do with the result of 13 the communication may not be privileged, okay.</p> <p>14 Proceed.</p> <p>15 THE WITNESS: Okay.</p> <p>16 Continuing...</p> <p>17 A. I'm trying to think of what I heard next. I 18 have heard that -- I heard that Juval had some 19 incredible stories about what was going on with us 20 politically. I heard that Juval had said that the 21 Legions of Christ from Mexico were against us, but 22 the Masons were for us and that the Legions of 23 Christ -- some representative from there had come up 24 to New York and given Senator Alphonse D'Amato a 25 substantial portion of money to go and execute</p>
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<p>1 and, Mr. Campion, for your benefit because I know 2 you haven't been following all of this for as long 3 as the rest of us -- it's our position that the 4 rulings that Judge Falk has made and that Judge 5 Treence has made make the entire Interfor 6 investigation outside of the attorney-client 7 privilege.</p> <p>8 There were findings about the Crime 9 Fraud Doctrine, so it's our position that there is 10 no attorney-client privilege attaching to Mr. O'Hara 11 or to any other aspect of that investigation. 12 That's the basis upon which Mr. McGuire and I and 13 other counsel came to an agreement about such 14 questions during the Keeffe deposition.</p> <p>15 MR. CAMPION: Okay.</p> <p>16 MR. McGUIRE: That's an overstatement. 17 And let me quote from the Treence opinion, which is 18 that "Ross and O'Hara should not conclude that this 19 decision and order has opened the corral doors to 20 allow that which may be protected by the 21 attorney-client privilege be trampled. It is very 22 limited and it does not include the whole Interfor 23 relationship."</p> <p>24 MR. CAMPION: In any event, so that we 25 can continue this, you may answer the question put</p>	<p>1 agenda items against us.</p> <p>2 Q. All right. Let me interrupt you just so that 3 we could get the sequence here --</p> <p>4 MR. McGUIRE: Well --</p> <p>5 Q. -- because what I'm interested in is the 6 sequence.</p> <p>7 MR. McGUIRE: Mr. Skolnik, let him 8 answer the question. You want to follow up on it, 9 fine, but you --</p> <p>10 MR. SKOLNIK: How many lawyers are 11 making objections here?</p> <p>12 MR. McGUIRE: Wait a minute. Just a 13 second. I don't interrupt you. Please don't 14 interrupt me. We'll get along much better.</p> <p>15 We can all sing together, but we can't 16 talk together.</p> <p>17 You asked him a question. The gentleman 18 was in the process of giving you an answer. Wait 19 until he finishes his answer. Then if you have any 20 objection, move to strike anything or have any 21 additional questions, proceed; but you do not have 22 the right unilaterally to stop this man from 23 answering a question.</p> <p>24 MR. CAMPION: Mr. Skolnik, it appeared 25 to me it was an open-ended question.</p>

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1 MR. SKOLNIK: It was indeed an
 2 open-ended question, but I was asking for sequence;
 3 and it seemed to me that we would be better able to
 4 establish sequence if I occasionally asked for some
 5 time frames.

6 But if you want to go and give me the
 7 entire story, then we'll backtrack on it. We're
 8 just going to be here longer.

9 MR. CAMPION: Continue with the answer.
 10 Continuing...

11 A. That was the next thing I remember now
 12 hearing about it and that I also heard then that
 13 Juval had a neighbor that knew Alphonse D'Amato and
 14 that Alphonse D'Amato could be, if you will, stopped
 15 as far as harassing us and that, in fact, Alphonse
 16 D'Amato no longer had much interest in it because he
 17 had done what he was paid for.

18 I'm not sure what time those series of events
 19 that I heard from Interfor. I am not sure if I
 20 actually heard that before I met Juval Aviv, the
 21 night that I met him at Nancy's. I think I heard
 22 that afterwards. When I met Juval, he was telling
 23 me at Nancy's about himself; and I think had I known
 24 that information, I would have evaluated the data
 25 differently.

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1 I don't remember where in the sequence of
 2 events was the first time that I heard that Juval
 3 had a preexisting relationship with Rick Ross. I
 4 heard that Juval had this preexisting relationship
 5 and that allegedly Juval did not want to work with
 6 Rick Ross because allegedly Rick Ross wanted him to
 7 fabricate evidence.

8 I'm not sure about when I heard the results
 9 of the sting, so to speak, or whatever you want to
 10 call it. I did hear that there was a meeting and
 11 that the meeting was recorded and that there were
 12 representations made in the meeting which -- some of
 13 which I've said already.

14 Is there more?

15 Q. The information that you heard about Juval
 16 Aviv's statements about Senator D'Amato and the
 17 Children of Christ, did you hear that information
 18 about Mr. Aviv before the investigation itself of
 19 Rick Ross commenced?

20 A. I don't know. I don't know when the
 21 investigation of Rick Ross commenced.

22 Q. So you might have heard it before the
 23 investigation commenced, and you might have heard
 24 it while the investigation was ongoing?

25 A. Yes, I think that that may be so.

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1 Q. Okay. Did you meet Mr. Aviv at Nancy
 2 Salzman's house before or after the investigation
 3 had commenced?

4 A. I think it was after, although I don't know
 5 when the investigation commenced 'cause Rick --
 6 because Juval mentioned Ross in conversation. So I
 7 imagine that if he was mentioning Ross like that, he
 8 would have already been investigating.

9 Q. Did he mention anything about the meeting
 10 that had been conducted with Mr. Ross?

11 A. No.

12 Q. Were you aware at the time you met Mr. Aviv
 13 that a meeting with Mr. Ross had taken place?

14 A. No.

15 Q. Who told you about Juval Aviv claiming to
 16 have had a prior relationship with Rick Ross and had
 17 been asked to fabricate evidence?

18 A. I believe Kristin Keeffe told me that. It
 19 may have been that Juval mentioned that at Nancy's
 20 house.

21 Q. Are you saying that you either heard it from
 22 Kristin Keeffe or you heard it directly from Juval?

23 A. Or both.

24 Q. Or both, but you can't recall today?

25 A. No, I cannot.

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1 Q. When you became aware of the fact that NXIVM
 2 had retained Interfor to investigate Mr. Ross, you
 3 knew that a lawsuit against Mr. Ross by NXIVM was
 4 already pending; didn't you?

5 A. I'm not sure of the sequence. I think that's
 6 possible.

7 Q. But you never discussed with anyone the
 8 propriety of --

9 A. I would have had -- I believe I would have
 10 had to have known because Joe O'Hara came on after
 11 the lawsuit with NXIVM; and Joe O'Hara hired Nolan &
 12 Heller which hired Juval's firm, so yes.

13 Q. Okay, and did you ever discuss with anyone
 14 the propriety of NXIVM arranging to interview
 15 Mr. Ross through Interfor without Mr. Ross having
 16 counsel present while a lawsuit against him was
 17 pending?

18 MR. McGuire: Object to the form of that
 19 question.

20 A. No.

21 Q. You told us that Kristin Keeffe was friendly
 22 with Juval Aviv.

23 A. Yes.

24 Q. How was she friendly? How did she know him?

25 A. Well, I think she met him professionally, but

<p style="text-align: right;">Page 361</p> <p>1 it was my impression that they became friends. 2 Q. Did they become friends before he was 3 retained by NXIVM? 4 A. I don't know for sure. I don't think -- no, 5 it wouldn't make sense that she would have. 6 Q. Do you have any understanding about whether 7 she had a prior relationship with Mr. Aviv while she 8 worked at NXIVM? 9 A. In other words, did she know -- did she have 10 a relationship with Mr. Aviv before Mr. Aviv came to 11 NXIVM's attention? 12 Q. Yes. 13 A. Okay. I don't know Kristin's personal life, 14 but I don't have that impression. 15 Q. To your knowledge, has Kristin Keeffe ever 16 been arrested? 17 A. No. I don't know for sure. 18 Q. You never heard that she was arrested 19 breaking into Toni Natalie's house? 20 A. Oh, I heard that there was -- okay, then she 21 was probably arrested. Yes, I heard that she 22 delivered a present to Toni Natalie and that Toni 23 Natalie waged a complaint against her and that they 24 went to court over it. 25 Q. Who told you that she was delivering a</p>	<p style="text-align: right;">Page 363</p> <p>1 Q. Whose job at NXIVM is it to hire outside 2 counsel? 3 A. I think ultimately it's Nancy's. She has not 4 had that job the whole time, being it was Joe's job 5 for a time. There was also another woman at one 6 point who was acting as a counsel. I don't know if 7 -- I think there was another man named Alan Korman 8 who also had that job. 9 Q. When NXIVM hires outside counsel, are you 10 consulted? 11 A. Often not. Sometimes I have been. 12 Q. Have you been consulted about the counsel 13 that NXIVM has hired to represent it in this 14 litigation? 15 A. Which one? 16 Q. Funny you should ask. 17 Have you been involved in the decisions that 18 have been made periodically to replace counsel? 19 A. I think sometimes comments I have made have 20 fomented the replacement of counsel. No, I am not 21 involved with that. 22 Q. I want to clarify some of your testimony in 23 response to Mr. Kofman's questions yesterday. 24 Excuse me. 25 You have no personal knowledge that Rick Ross</p>
<p style="text-align: right;">Page 362</p> <p>1 present to Toni Natalie? 2 A. Kristin did. 3 Q. Are you under the impression that she was 4 delivering this present when Toni Natalie was home? 5 A. Yes. 6 Q. So it's not your understanding that she was 7 breaking into Toni Natalie's house? 8 A. Correct. 9 Q. Okay, and it's not your impression that she 10 was trying to uncover the very letter that is 11 referred to in the transcript that we looked at 12 earlier? 13 A. A letter -- oh, no. No. 14 Q. What did you discuss with Mr. Bergeron about 15 Rick Ross? 16 A. I don't -- you know, over time, because he's 17 a friend and I see him two, three times a week, I 18 said to him -- and I tutor him -- he has read the 19 internet that Rick Ross thinks we're like 20 Scientology and different things, so I think it's 21 his opinion that we're not like Scientology. 22 He asks sometimes, you know, "How is the 23 legal stuff going, do you know? How is the PR 24 going?" You know, "What's going on?" Those sort of 25 things.</p>	<p style="text-align: right;">Page 364</p> <p>1 told Aaron Kassin or anyone else that he "wanted 2 NXIVM's confidential information," isn't that right? 3 A. When you say "personal knowledge," did I hear 4 him say that directly? No. 5 Q. Well, you didn't hear him say it directly? 6 A. No. 7 Q. So what, if any, basis do you have for 8 believing that Rick Ross told Aaron Kassin that he 9 wanted NXIVM's personal information? 10 A. I think I saw it in some of the papers here, 11 and I think I remember hearing it maybe from Michael 12 Sutton. 13 Q. Okay. But, again, you have no personal 14 knowledge about that? 15 A. Correct. 16 Q. And is it also true that you have no personal 17 knowledge of the actual process through which NXIVM 18 materials were given to Rick Ross? 19 A. Correct. 20 Q. Kristin Keeffe asked you to look for any 21 notes that you had taken either on or about the 22 three articles, is that right? 23 A. Yes. 24 Q. And you didn't find any? 25 A. No written notes. I believe there were some</p>

<p style="text-align: right;">Page 365</p> <p>1 documents that I turned over. 2 Q. Who did you turn them over to? 3 A. I think I gave them to Kristin or -- I don't 4 know if Joe was involved or whatever. I don't know 5 who I gave them to specifically. 6 Q. And when you say you think there were some 7 documents, documents of what nature? 8 A. Word-type files, either printouts of them or 9 the files themselves. 10 Q. You remember there being such documents? 11 A. Yes. 12 Q. And you remember turning them over to 13 someone? 14 A. I believe so. 15 Q. And you might have turned them over to 16 Kristin Keeffe? 17 A. Yes. 18 Q. And you might have turned them over to who 19 else? 20 A. Joe O'Hara. 21 Q. To Joe O'Hara. Anyone else that you might 22 have turned them over to? 23 A. Not that I can think of. 24 MR. SKOLNIK: Let me request on the 25 record those documents have never been produced in</p>	<p style="text-align: right;">Page 367</p> <p>1 specifically, but NXIVM. 2 Q. NXIVM's attorneys. 3 And you may have answered this previously, 4 but I can't recall. Did anyone ever come and search 5 through your documents? 6 A. Search through my documents? 7 Q. Yeah, looking for documents -- 8 A. Not at my house. In the storage area, yes. 9 Q. In the storage area? 10 A. Yeah. 11 Q. Who searched in the storage area? 12 A. I don't know. 13 Q. And what about documents at your house? 14 A. I looked for them. 15 Q. No one else came -- 16 A. No one else. 17 Q. -- and helped you look for them? 18 A. Right, correct. 19 Q. Are those the only two places where you might 20 have had any documents relating to this lawsuit? 21 A. I believe so. 22 Q. Did anyone ever examine the e-mails on your 23 computers? 24 A. No, just me. 25 Q. Since this litigation began, have you deleted</p>
<p style="text-align: right;">Page 366</p> <p>1 this litigation. To the extent that NXIVM is in 2 possession of them, I'd call for their production. 3 THE WITNESS: NXIVM wouldn't be unless 4 they turned them over. 5 MR. McGuire: We've given you everything 6 we have. 7 When I say "we," we and prior counsel. 8 BY MR. SKOLNIK: 9 Q. Were all of the requests that Kristin Keeffe 10 made to you to look for documents, specific ones 11 like look for X or look for Y, as opposed to look 12 for any documents relating to this litigation? 13 A. No. They're normally more general, although 14 there have been times when there have been specific 15 requests. 16 Q. And did those requests invariably come from 17 Kristin Keeffe? 18 A. No. 19 Q. Who else made those requests? 20 A. Joe O'Hara, Bob Leonard. 21 Q. Since Joe O'Hara has no longer been involved 22 in the litigation, did anyone other than Kristin 23 Keeffe and your attorneys make those requests? 24 A. I don't believe so. 25 When you say my attorneys, not me</p>	<p style="text-align: right;">Page 368</p> <p>1 any e-mails whatsoever from your computer relating 2 in any way to the litigation or the issues in the 3 litigation? 4 A. Well, I've had different computers; and I've 5 had different hard drives. No, I haven't 6 specifically deleted them, but they have been 7 deleted as a matter of that course. 8 Q. When you say, "as a matter of that course," 9 the replacing of computers? 10 A. Yes. 11 Q. But no one ever told you that those had to be 12 preserved? 13 A. No, and I'm not aware of that many of them. 14 I don't -- I don't think there was even anything I 15 was receiving that was important, as far as that 16 goes. 17 Q. Well, what about -- what about documents? 18 Since this litigation has begun, have you destroyed 19 any documents that relate in any way to the issues 20 in this litigation? 21 A. No. 22 Q. Have you thrown away any documents that 23 relate in any way to this litigation? 24 A. No, not that I know of. I have not thrown 25 away documents.</p>

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1 Q. Well, when you say not that you know of, what
 2 do you mean by that?
 3 A. My house is a mess. I have things in piles.
 4 There have been times when people have come and
 5 changed my piles. Things have been thrown out, and
 6 sometimes things have been thrown out that are
 7 important to me. I do not have track of all my
 8 papers.
 9 Q. You told us a few minutes ago that no one
 10 came to your house to search for documents.
 11 A. Correct.
 12 Q. Have you searched through all of those piles
 13 in your house for documents responsive to this
 14 lawsuit?
 15 A. Yes.
 16 Q. When did you do that?
 17 A. I've done it on several occasions. I did it
 18 just recently and -- I don't know -- probably there
 19 was I imagine some discovery requests in the past
 20 year or two.
 21 Q. And in your -- in your more recent searches
 22 through these documents, have you found other
 23 documents and turned them over?
 24 A. No. There are no other documents.
 25 Q. You testified that you took one course in

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1 MR. SKOLNIK: Why don't we take five
 2 minutes?
 3 MR. CAMPION: Sure.
 4 (At this point, there was a short
 5 recess.)
 6 THE VIDEOGRAPHER: This is the beginning
 7 of Tape Number 6. The time is 4:17.
 8 BY MR. SKOLNIK:
 9 Q. Mr. Raniere, you have no personal knowledge
 10 of discussions, if any, between Rick Ross and
 11 Stephanie Franco relating to whether or not she had
 12 a confidentiality agreement; isn't that right?
 13 A. Correct.
 14 Q. What material, if any, did the Dalai Lama's
 15 representative review before agreeing to the program
 16 that you're planning with the Dalai Lama?
 17 A. I don't know all the details. He went
 18 through I believe a 16-day Intensive. I believe he
 19 interviewed and spent time with people within the
 20 organization. He interviewed me.
 21 Q. When did he interview you?
 22 A. I don't know, maybe a year ago.
 23 Q. And what did you discuss?
 24 A. Um, he asked all different things; and he's
 25 also been involved in a lot of the discussions I've

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1 neuro linguistic programming in the 1980s, is that
 2 correct?
 3 A. Yes.
 4 Q. Where did you take that course?
 5 A. In my home.
 6 Q. From whom?
 7 A. A woman named Lynn Stafford Clark.
 8 Q. She came to your home and taught just you, or
 9 was it a group?
 10 A. No, it was a group.
 11 Q. Did you keep any materials from her course?
 12 A. No.
 13 Q. Did she give you any materials?
 14 A. Not that I know of.
 15 Q. Did you use any of the knowledge that you
 16 gained from this course in your development of the
 17 Rational Inquiry Method?
 18 A. That's a very broad question. If you believe
 19 in the theory that in any one moment you use all of
 20 the things that you've been exposed to, then yes.
 21 Have I directly taken something from neuro
 22 linguistic programming and put it into the Rational
 23 Inquiry Method, no.
 24 THE VIDEOGRAPHER: Excuse me. We have
 25 to change tapes.

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1 had with the people from Mexico. We had a bunch of
 2 people come up with Mexi -- from Mexico, and he was
 3 in that where we're talking about the different ways
 4 of working the peace movement down there. And I was
 5 using him as an advisor in part because of his I
 6 will say extreme experience.
 7 Q. In any of your discussions with the Dalai
 8 Lama's representative, did you discuss any aspects
 9 of the Rational Inquiry Method?
 10 A. I don't suspect so.
 11 Q. Do you recall whether you did or not?
 12 A. Not directly, but the conversations that I
 13 do recall we did not.
 14 Q. But there are conversations that you don't
 15 recall?
 16 A. Possibly.
 17 Q. And you testified yesterday that you're not
 18 sure whether or not the Dalai Lama's representative
 19 signed a confidentiality agreement, is that correct?
 20 A. Yes, but I asked Nancy, and she said she
 21 believes he did.
 22 Q. She believes he did?
 23 A. Yes.
 24 Q. But you have no -- you have no knowledge of
 25 that other than what Nancy told you?

<p style="text-align: right;">Page 373</p> <p>1 A. Correct.</p> <p>2 Q. To your knowledge, has anyone ever been given</p> <p>3 access to parts of the Rational Inquiry Method or</p> <p>4 other NXIVM course material without signing a</p> <p>5 confidentiality agreement?</p> <p>6 A. That's correct. That's in part why I</p> <p>7 answered that I don't believe I discussed any of</p> <p>8 the Rational Inquiry Method with Lama Tenzin.</p> <p>9 Q. Let me -- let me ask my question again.</p> <p>10 To your knowledge, has anyone ever been</p> <p>11 given access to parts of the Rational Inquiry Method</p> <p>12 or other NXIVM materials without signing a</p> <p>13 confidentiality agreement?</p> <p>14 A. No.</p> <p>15 Q. No one under any circumstances?</p> <p>16 A. Correct.</p> <p>17 Q. I'm going to refer to the Exhibit that has</p> <p>18 been marked as Raniere-11.</p> <p>19 MR. CAMPION: This would be the</p> <p>20 Affidavit.</p> <p>21 THE WITNESS: Okay. Should I just take</p> <p>22 it?</p> <p>23 MR. CAMPION: No, that's my copy.</p> <p>24 THE WITNESS: I got it.</p> <p>25 (A discussion was held off the record.)</p>	<p style="text-align: right;">Page 375</p> <p>1 for optimal communication and decision making."</p> <p>2 Did I read that correctly?</p> <p>3 A. I believe so.</p> <p>4 Q. Is Rational Inquiry based at all on the ideas</p> <p>5 of Isaac Asimov?</p> <p>6 A. As I said, it's a two-handed question. You</p> <p>7 would say certainly it was inspired by, but Isaac</p> <p>8 Asimov did not to my knowledge exhibit Rational</p> <p>9 Inquiry.</p> <p>10 Q. But some of Rational Inquiry is inspired by</p> <p>11 or based upon Isaac Asimov's ideas, is that correct?</p> <p>12 A. I think that would be fair to say.</p> <p>13 Q. How did Isaac Asimov's ideas inspire and</p> <p>14 influence the theory and practice of Rational</p> <p>15 Inquiry?</p> <p>16 A. In Isaac Asimov's book there is a group</p> <p>17 called The Second Foundation who had optimized</p> <p>18 communication, so with a minimal amount of words or</p> <p>19 sounds or motions they could communicate very large</p> <p>20 amounts of information. I thought that was</p> <p>21 interesting that one could communicate more or less</p> <p>22 by how they spoke, what they -- how they moved. So</p> <p>23 I started playing with that idea of what is the true</p> <p>24 nature, if you will, or different nature of</p> <p>25 communication other than just the words.</p>
<p style="text-align: right;">Page 374</p> <p>1 Q. And for the record, you've already identified</p> <p>2 this as an Affidavit --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- that you signed.</p> <p>5 A. Yes.</p> <p>6 Q. And it's an Affidavit dated or sworn to on</p> <p>7 the 22nd day of August, 2003; is that right?</p> <p>8 A. Let me get to the page.</p> <p>9 August 22nd, 2003, yes.</p> <p>10 Q. Let me ask you to turn to Paragraph 9.</p> <p>11 A. (Witness complies.)</p> <p>12 Paragraph 9. I'm sorry.</p> <p>13 Q. And I'm going to read you some or all of the</p> <p>14 paragraph and then ask you some questions about it.</p> <p>15 "I discovered I had an exceptional aptitude</p> <p>16 for Mathematics and computers when I was 12. It was</p> <p>17 at the age of 12 I read The Second Foundation by</p> <p>18 Isaac Asimov and was inspired by the concepts on</p> <p>19 optimal human communication to start to develop the</p> <p>20 theory and practice of Rational Inquiry. This</p> <p>21 practice involves analyzing and optimizing how the</p> <p>22 mind handles data. It involves mathematical set</p> <p>23 theory applied in a computer programmatic fashion to</p> <p>24 processes such as memory and emotion. It also</p> <p>25 involves a projective methodology that can be used</p>	<p style="text-align: right;">Page 376</p> <p>1 Q. And how is that idea reflected in the</p> <p>2 Rational Inquiry Method?</p> <p>3 A. Well, as I started to examine human</p> <p>4 communications, I started to understand more and</p> <p>5 discover things. Those discoveries ultimately led</p> <p>6 to things within Rational Inquiry.</p> <p>7 Q. What concepts of Rational Inquiry did you</p> <p>8 develop at the age of 12?</p> <p>9 A. I don't know if I developed any of them at</p> <p>10 the age of 12. I think the precursors to what is</p> <p>11 Rational Inquiry today were started back then.</p> <p>12 Q. When you say the precursors were started back</p> <p>13 then, in what way were they started?</p> <p>14 A. I started to experiment with human</p> <p>15 communication, with the more programmatic aspects of</p> <p>16 human communication and also the more expressive,</p> <p>17 less programmatic aspects; examining things like</p> <p>18 free will and possibly why a human would behave a</p> <p>19 certain way or not. That curiosity ultimately led</p> <p>20 to the codification of what is known as Rational</p> <p>21 Inquiry.</p> <p>22 Q. These experiments that you began to do at the</p> <p>23 age of 12, did you tell anyone about them?</p> <p>24 A. Well, not -- I mean, for me to say over the</p> <p>25 past 30 years have I told anyone about any</p>

1 experiments that I do, I certainly have.
 2 I had a friend that we played a game where
 3 we tried to communicate optimally to each other with
 4 minimal amounts of speech from the book. We did
 5 that for about a week. He became tired of it.
 6 Q. When you say "from the book," from what book?
 7 A. The Second Foundation.
 8 Q. Did you ever write down your thoughts or your
 9 experiments --
 10 A. I think over the years --
 11 Q. -- at this period?
 12 A. This period, no.
 13 Q. At some later period?
 14 A. Probably.
 15 Q. What do you remember writing down?
 16 A. I -- I mean, I've written many computer
 17 programs; and I've, you know, written many notes
 18 about my thoughts on different things and my
 19 thoughts on mathematics in particular.
 20 Q. What about your thoughts that became parts of
 21 the Rational Inquiry Method?
 22 A. You could say in some ways all of those
 23 thoughts were inspirational to the Rational Inquiry
 24 Method.
 25 Q. Well, beyond being inspirational, are any of

1 them embodied in the Rational Inquiry Method?
 2 A. No, because the Rational Inquiry Method was
 3 a -- a type of discovery that occurred from having
 4 many different events and then drawing a specific
 5 conclusion about how the basis elements of any
 6 behavior and human endeavor --
 7 THE WITNESS: Is it okay that I --
 8 MR. CAMPION: Go ahead and talk.
 9 THE WITNESS: Okay.
 10 Continuing...
 11 A. -- the basis elements of any human endeavor
 12 can be codified and maximized and the nature of how
 13 abstract mathematics could be utilized to help with
 14 human endeavors and athletic endeavors and mental
 15 endeavors and things like that.
 16 Q. And as you were developing Rational Inquiry,
 17 did you write down any of those conclusions you were
 18 drawing?
 19 A. I think it was more of a quick discovery, but
 20 probably not.
 21 Q. Did you keep them a secret?
 22 A. Well, once I made that discovery, yes.
 23 Q. Once you made what discovery?
 24 A. The understanding of how to take mathematics,
 25 if you will, and apply it in a practical sense to

1 human behavior and thought.
 2 Q. And about how old were you when you did that?
 3 A. I don't know, 39 somewhere, whenever -- I had
 4 just done that months before I met Nancy.
 5 Q. You had just done what?
 6 A. Made that discovery.
 7 Q. What did you study at RPI?
 8 A. I studied some mathematics, some physics,
 9 some biology, some psychology, some philosophy, some
 10 music, some computer programming, some language;
 11 French.
 12 Q. Were any of the concepts that you learned at
 13 RPI used in Rational Inquiry?
 14 A. No, not directly.
 15 Q. What about indirectly?
 16 A. Yeah. I think RPI is a unique rec -- RPI --
 17 Rational Inquiry is a unique recipe of concepts that
 18 exist plus things that were discovered as
 19 combinations of those concepts.
 20 Q. So some of the concepts were used in Rational
 21 Inquiry?
 22 A. No.
 23 Q. Well, tell me again what you just told me.
 24 A. Okay. It depends how you define "used in."
 25 If you are -- I guess I would need you in

1 part to define what you mean by "discovery" or "used
 2 in."
 3 I think that I learned to speak English and I
 4 used that in Rational Inquiry; and English is used
 5 in Rational Inquiry, but it's not Rational Inquiry
 6 as a discovery. English is not confidential. So
 7 like I use English, so I used things in mathematics,
 8 things in philosophy, all of my background to bear
 9 to create the discovery.
 10 Q. Let me ask you to look at Paragraph 11 of
 11 this Affidavit.
 12 A. (Witness complies.)
 13 Q. I'm going to read the first part of the
 14 paragraph.
 15 "I entered RPI just after my 17th birthday
 16 and started to take high level (PhD) graduate
 17 courses in Mathematics. These courses are normally
 18 reserved for advanced graduate school students. To
 19 my knowledge I was the first 17 year old to take
 20 advanced 600 level mathematics courses in RPI's then
 21 153 year history. I continued to develop Rational
 22 Inquiry and formalized a new method of computer
 23 programming which I called 'functional
 24 programming.'"
 25 A. Uh-huh.

1 Q. Did I read that correctly?
 2 Okay. You say, "I continued to develop
 3 Rational Inquiry."
 4 A. Yes.
 5 Q. What part of Rational Inquiry did you
 6 continue to develop?
 7 A. I would say all of the precursor concepts. I
 8 gained a deeper and deeper understanding of this
 9 mode of thinking.
 10 Q. When you say, "all of the precursor
 11 concepts," what precursor concepts are you referring
 12 to?
 13 A. Well, in this particular case, the things
 14 relating to functional programming and information
 15 processing; how input variables, first of all, in a
 16 computer relate to output variables and how the
 17 computer uses a set of three operations which are
 18 addition, comparison, and iteration to solve all the
 19 problems. So you have a problem, and you have three
 20 operations, and that starts to raise the question
 21 can you create other operations to solve a problem
 22 set.
 23 Q. Did you write -- well, did you tell anybody
 24 about your -- your thinking on this subject?
 25 A. On functional programming, I imagine. I know

1 that I had actually written some functional
 2 programs.
 3 Q. Did you -- did you keep those programs a
 4 secret?
 5 A. No, the programs weren't kept a secret.
 6 Q. What, if anything, was kept a secret?
 7 A. My method of writing the programs. I worked
 8 for the Gammi-Pi physics group. We had a program
 9 that took 16 hours of CPU time to run and was
 10 something like 4,000 lines long. I wrote a
 11 functional program that took something like 6
 12 minutes and was 12 lines long.
 13 Q. And that was written down?
 14 A. The program was.
 15 Q. So what you kept a secret was how it is that
 16 you reduced it down --
 17 A. Can do such a thing.
 18 Q. Moving to Paragraph 12 of this Affidavit.
 19 I'm starting about four lines down, "At this time I
 20 noted that a human could often 'see' a data pattern
 21 quicker than a computer. So I created a visually
 22 driven computer system to allow for 'human
 23 intervention' in optimal parameter selection and
 24 curve fitting."
 25 A. Yes.

1 Q. "This successfully reduced our system's
 2 search time by over 90%. I thereby refined and
 3 tested my model of how the human mind, with sense
 4 capability, compared to a computer and how the human
 5 mind, equipped with a motivationally driven
 6 projective mechanism, 'understood' and strategically
 7 made decisions."
 8 Did I read that correctly?
 9 A. Yes, I believe so.
 10 Q. When you say, "I thereby refined and tested
 11 my model," what model are you referring to?
 12 A. Understanding of not only how the human mind
 13 creates templates but how to solve problems,
 14 human-created problems. In the Gammi-Pi physics
 15 group, we had a tremendous amount of data, and we
 16 had to fit a certain type of graph to that data.
 17 And although it's in a 12-parameter space, you can
 18 look at it on a screen as a two-dimensional
 19 visualization.
 20 If the computer is searching -- if you were
 21 to imagine the space as a geometric object, it has
 22 all sorts of bumps and saddle points and things like
 23 that. A computer blindly looks in a systematic
 24 fashion. That systematic fashion is created by
 25 humans to go and find the optimal solution, but the

1 human can look at a graph and see almost instantly
 2 just like a chess player can do, can rival -- not so
 3 much any more -- a computer. A computer does 400
 4 million moves in a second. Computer -- a human mind
 5 can do four moves in a second, yet the human mind
 6 can work in these ways as well as a computer, so the
 7 question was why. And I started to understand that
 8 more and more by working on a programmatic basis and
 9 applying aspects of human perception to that
 10 programmatic basis.
 11 Q. And all of that was part of your development
 12 of Rational Inquiry?
 13 A. Part of the journey.
 14 Q. Paragraph 13.
 15 "From 1982 to 1984 I worked as a teacher of
 16 computer science and computer programming through
 17 Public Management Systems, a state contractor. I
 18 created the curriculum, taught classes and
 19 interviewed, evaluated, sub-contracted other
 20 instructors to teach classes with my curriculum and
 21 methodology in Manhattan, Albany, Saratoga and
 22 Poughkeepsie. I also worked as an independent
 23 computer and business consultant. It was during
 24 this time, as a teacher of science, I studied how
 25 humans processed problems and learned. I refined my

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<p>1 learning and teaching methodology which I embodied 2 into a business plan called 'The Concept School' 3 later changed to 'The Life Learning Institute.'"</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. I believe so.</p> <p>8 Q. Is the -- is the business plan that's called 9 The Concept School and later changed to The Life 10 Learning Institute the foundation for Rational 11 Inquiry?</p> <p>12 A. No.</p> <p>13 Q. Is it the foundation for NXIVM?</p> <p>14 A. No.</p> <p>15 Q. How does it differ from Rational Inquiry?</p> <p>16 A. It doesn't use the Rational Inquiry Method 17 at all. It was merely a way of delivering course 18 material that is for adult education in a way that 19 was more efficient. What it did was -- can I 20 explain this?</p> <p>21 Q. Of course.</p> <p>22 A. Okay, 'cause it's a little long. I'm sorry.</p> <p>23 The Socratic method is a method of teaching 24 that hasn't undergone a lot of changes over, say, 25 the past few thousand years. When a teacher teaches</p>	<p>1 doesn't necessarily mean you're a good teacher. In 2 part, teaching is entertainment, if you will, 3 keeping the students' attention, enrolling, 4 inspiring the students' interest in the subject.</p> <p>5 I know you hear often that people have been 6 inspired by great teachers. So the question is, 7 well, if you were to take teachers and instead of 8 just hiring them because they knew the subject, look 9 to see who could offer curriculum and lecture after 10 lecture keep it entertaining, more like someone who 11 had the ability to act or entertain. And if you 12 combined it with a different way of scheduling the 13 courses, you could provide a unique adult education 14 program.</p> <p>15 Q. Is there any difference between The Concept 16 School and The Life Learning Institute?</p> <p>17 A. No, just a difference in I think one person 18 that was involved, but it was a better name. People 19 liked the name better, Life Learning Institute.</p> <p>20 Q. How many business plans did you prepare for 21 the Concept School?</p> <p>22 A. One.</p> <p>23 Q. And what did you do with the plan?</p> <p>24 A. Showed to it some investors.</p> <p>25 Q. Paragraph 17 you say, "I explored what I</p>
<p style="text-align: center;">Page 386</p> <p>1 the class, it is incumbent upon the teacher to be 2 able to get the information across somehow; and 3 there has been an art of teaching.</p> <p>4 The way curriculum and one example that I 5 gave in the concept school -- let's suppose you were 6 learning calculus, and instead of offering Calculus 7 1 in ten sections all starting at the same time, 8 suppose we were to stagger them. So you could take 9 Lecture 1, and you could take Lecture 1 again if you 10 missed it, and you could take Lecture 1 again and 11 then 2 and maybe go to 3, 4. And then if you had 12 trouble in 4, you could go to 4, back to 3.</p> <p>13 This would allow you an ability to not worry 14 about -- so much about I must learn the material 15 here. If I'm stuck on this material, I can take the 16 course again. And from the teacher's perspective, 17 the teacher always has to teach to the bottom 20 18 percent of the class; and if the bottom 20 percent 19 of the class can always take the course again, the 20 teacher can actually teach in a more accelerated 21 fashion. So by allowing students the liberty to go 22 and take courses in a different organized fashion, 23 they can go and repeat things and learn better and 24 the teachers could also learn better. Additionally, 25 to teach -- to be -- to know the information well</p>	<p style="text-align: center;">Page 388</p> <p>1 termed different types of learning: For example, 2 you can't really learn to ski out of a book; you 3 can't replace physical or experiential learning with 4 intellectual learning. Motivation had a strong 5 experiential learning component and I developed 6 tools to teach it."</p> <p>7 A. Uh-huh.</p> <p>8 Q. Did I read that correctly?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. What is the "it" in the last sentence? "I 11 developed tools to teach it"?</p> <p>12 A. The experiential learning component of 13 motivation. I started to understand that and 14 developed tools to help isolate it and help teach 15 it.</p> <p>16 Q. And are those tools components of the 17 Rational Inquiry Method?</p> <p>18 A. They're precursors.</p> <p>19 Q. Did you publish them in any way?</p> <p>20 A. No.</p> <p>21 Q. Did you tell anyone about them?</p> <p>22 A. No, not directly. I have taught people, for 23 example, to be -- to do certain things that help in 24 motivation. For example, as silly as it sounds, if 25 someone wants to have a certain state and it's tied</p>

<p>Page 389</p> <p>1 to a certain musical piece, playing that piece can 2 allow through state dependent learning to increase 3 that motivation. But the question has always been 4 when someone does an activity what is the motivator 5 underneath it and how do you harness that 6 motivation. So I've taught -- I've told people 7 things like that but nothing relating to the 8 Rational Inquiry Method there.</p> <p>9 Q. Well, when you -- when you told people things 10 like that, did they sign a confidentiality 11 agreement?</p> <p>12 A. Actually, most of them did, I believe, if 13 not all; but I don't consider that part of the 14 Rational Inquiry Method.</p> <p>15 Q. Why not?</p> <p>16 A. Well, 'cause it's a precursor to it. It led 17 to the discovery and it led to this tool set that we 18 call Rational Inquiry today. It was not that tool 19 set, similar to if I'm starting to learn about tools 20 and I have a hammer and I have a saw and I have a 21 chisel, and one day I discover the screwdriver. I 22 cannot say that the hammer, the saw and the chisel 23 are the screwdriver. It did lead to its discovery, 24 but the screwdriver has unique traits.</p> <p>25 Q. Does it provide a window to the hammer and</p>	<p>1 as price clubs, this was similar, but it was a 1800 2 number membership.</p> <p>3 Q. What did it sell?</p> <p>4 A. Well, Consumers' Buyline was a membership and 5 through it you were able to get -- it was over a 6 million products. It was almost every book in 7 print, it was electronics, circuits. You were able 8 to get groceries delivered to your door. We had a 9 grocery catalog that came out every two months. We 10 had special deals on things like luggage and things 11 like cassette tape recorders or the cassettes that 12 go in.</p> <p>13 We had a special company called Direct 14 Buyline, which was a subsidiary which went to 15 manufacturers and got special either crate deals or 16 large discount deals which we passed on to our 17 members at no additional cost. So what Consumers' 18 Buyline was like was the Consumer Reports -- it's as 19 if you had Consumer Reports but was also offered the 20 ability to buy the object at the price stated with 21 the lowest price guarantee.</p> <p>22 Q. Did -- did your experience with Consumers' 23 Buyline influence your development of Rational 24 Inquiry and NXIVM?</p> <p>25 A. I'm sure.</p>
<p>Page 390</p> <p>1 the chisel?</p> <p>2 A. It can, but if they are precursors, as 3 opposed to once the discovery exists actually 4 viewing the discovery.</p> <p>5 Q. How do you define precursor?</p> <p>6 A. Something that comes before.</p> <p>7 Q. In the context that you're using it, what are 8 the precursors to the Rational Inquiry Method?</p> <p>9 A. Understandings of human emotion, 10 understandings of human motivation, understandings 11 in mathematics, how mathematics relates to human 12 thoughts.</p> <p>13 Q. What was Consumers' Buyline?</p> <p>14 A. Consumers' Buyline was a company that I was 15 the primary owner of and CEO.</p> <p>16 Q. What did it do?</p> <p>17 A. It did severalfold. It was what some people 18 termed a multi-level marketing company where people 19 had an opportunity to have home-based businesses and 20 sell a product. On the other hand, the product was 21 a membership. By bringing a coalition of people 22 together, and in this case quite a large coalition, 23 we were able to negotiate discount buying 24 opportunities so it was sort of the -- what a lot of 25 people can do now online and even what people know</p>	<p>Page 392</p> <p>1 Q. How?</p> <p>2 A. I had contact with many people in many 3 different contexts as a head of a large marketing 4 organization, as a CEO of a company with many 5 employees. For example, as a CEO of the company, I 6 had some almost 200 employees. The question is what 7 can you do to make their work meaningful. What can 8 you do to make the company serve the employees and 9 foster a type of community as much as possible.</p> <p>10 I also had a lot of opportunity to help 11 resolve ethical disputes amongst marketers and 12 amongst different people like that.</p> <p>13 Q. So what -- what parts of your development of 14 Rational Inquiry came from Consumers' Buyline?</p> <p>15 A. I would say it probably furthered a lot of my 16 understanding. I learned a lot about ethics. I 17 learned a lot about business. I learned a lot about 18 motivation of why people do things or not. I think 19 all of my understandings on those levels were 20 furthered by this experience.</p> <p>21 Q. And are all of those understandings part of 22 the Rational Inquiry Method?</p> <p>23 A. No. They lead up to the Rational Inquiry 24 Method.</p> <p>25 Q. How were --</p>

<p style="text-align: right;">Page 393</p> <p>1 A. They were necessary for me to create the 2 Rational Inquiry Method. 3 Q. Let me ask you to turn to Paragraphs 25 and 4 26. 5 A. (Witness complies.) 6 Q. Let me read them into the record, and then I 7 have several questions about them. 8 Paragraph 25 says, "In Mathematics, all 9 things are proven based on axioms and a step by step 10 systematic construction. Computers work the same 11 way. To program a computer one must first 12 understand the axioms of the computer language, and 13 then the step by step systematic construction of the 14 problem-solution methodology. Finally, one must 15 construct the problem-solution methodology in a 16 step by step fashion using the axioms of the 17 language. I discovered the human mind works the 18 same way and I formalized the process." 19 "This process involved treating each word or 20 part in a communication as a mathematical set. As 21 such, the operations of set theory and Boolean logic 22 could be utilized. Each word is seen as both a 23 general objective representation and a highly 24 specific subjective representation." 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 395</p> <p>1 A. Some of the coursework is a product of 2 Rational Inquiry. 3 Q. Is there some coursework at NXIVM that is not 4 a product of Rational Inquiry? 5 A. I think there are de -- I think there are a 6 few sections that are defined as such. 7 Q. When you say they're defined as such, defined 8 as such by whom? 9 A. Within the module I believe it states where 10 they came from. 11 Q. And that they came from something other than 12 Rational Inquiry? 13 A. Yeah. I believe there's a Birdwhistle 14 (phon.) Or whatever the person's name is that did a 15 study and a few things like that. 16 Q. Well, what modules are taught by NXIVM that 17 are not based on Rational Inquiry? 18 A. Communication/At Cause has certain parts of 19 it that have been taken -- that are based not on 20 Rational Inquiry but utilizing Rational Inquiry have 21 been enhanced. 22 Q. But they utilize Rational Inquiry? 23 A. Yes. 24 Q. You testified yesterday that the Rational 25 Inquiry Method is a tool. It's theoretical</p>
<p style="text-align: right;">Page 394</p> <p>1 Q. "By precisely choosing exact words in precise 2 orders one could communicate in a far deeper and 3 measurable way. And, similar to mathematical 4 proofs, the precise questions and their order are of 5 ultimate importance. In some ways it is similar to 6 saying a person cannot walk before they crawl -- the 7 order is essential." 8 A. Yes. 9 Q. Did I read all that correctly? 10 A. Yes. 11 Q. Is -- are the ideas that you are expressing 12 in Paragraphs 25 and 26 the basis or foundation of 13 Rational Inquiry? 14 A. Getting closer. 15 Q. Are they the basis of NXIVM? 16 A. I think NXIVM has developed not only beyond 17 that but is different than Rational Inquiry. 18 Q. How is NXIVM different from Rational Inquiry? 19 A. NXIVM is a company. Rational Inquiry is a 20 method, if I were to describe it that way. NXIVM 21 has a lot of components that are not Rational 22 Inquiry. 23 Q. Well, referring to the courses that NXIVM 24 teaches, how -- how does Rational Inquiry differ 25 from the coursework at NXIVM?</p>	<p style="text-align: right;">Page 396</p> <p>1 procedures involved in the creation of certain 2 results. Do I have that right? 3 A. Say the last few -- the last sentence again. 4 Q. That it's theoretical procedures involved in 5 the creation of certain results. 6 A. Yes. 7 Q. And you told us that the results include 8 the ordering of questions and the ordering of 9 philosophical concepts, is that right? 10 A. Uh-huh. Yes. 11 Q. You also testified that creating the 12 questions in a module is like assembling the pieces 13 of a puzzle, and the questions can only be 14 interlocked in a certain way. 15 Do I have that right? 16 A. To a great extent. In other words, often 17 they can be interlocked in only one way; but there 18 are limitations as to how the different questions 19 and words can be interlocked. 20 Q. Okay, and -- and is it true that you believe 21 that the nature of that organization is a NXIVM 22 trade secret? 23 A. The nature of how that organization is 24 derived. 25 Q. Is a trade secret?</p>

<p style="text-align: right;">Page 397</p> <p>1 A. Yes. 2 Q. Okay. Do -- do the Martin or Hochman 3 articles reveal or disclose the ordering of 4 questions? 5 A. I believe it does, especially the Martin 6 article. 7 Q. How does it do that? 8 A. Well, the products of Rational Inquiry can 9 also be used to determine Rational Inquiry much like 10 a -- a footprint in a sand can be used to figure out 11 what the footprint is. The questions themselves, 12 the order of the words may not be -- they are a 13 product of Rational Inquiry, but utilizing those 14 things people can deduce Rational Inquiry, possibly 15 recreate many of the trade secrets of Rational 16 Inquiry. 17 Q. So, once again, is it -- is it fair to say 18 that the articles themselves don't disclose the 19 actual ordering of questions in print but that you 20 think that someone might be able to infer the 21 ordering of questions based upon the things that the 22 articles do say? 23 A. No. The articles do disclose the ordering of 24 questions. 25 Q. What questions -- what ordering -- what</p>	<p style="text-align: right;">Page 399</p> <p>1 (A discussion was held off the record.) 2 A. Do you want me to read these articles start 3 to finish and -- 4 Q. Well, you've read them pretty closely in the 5 last couple of days. I want you to try to tell me 6 where you think the articles disclose the ordering 7 of philosophical concepts. 8 A. Okay. I will say that when you say "disclose 9 the ordering," there's one thing to directly 10 disclose it, which I believe they do. There is also 11 indirectly disclose it, which are ways I may not be 12 able to contemplate sitting here reading it because 13 for some -- 14 Q. Let's -- I'm sorry. 15 A. -- for someone who is motivated to solve the 16 problem of finding it out they well could by this 17 disclosure. 18 Q. Let's focus on direct disclosure. 19 A. Okay. 20 Q. Which one are you looking at first? 21 A. Raniere-8, A Critical Analysis of Executive 22 Success Programs. 23 So on the first article, without going into a 24 lot of detail, there are things referenced with page 25 numbers in the module -- the manual and dates. And</p>
<p style="text-align: right;">Page 398</p> <p>1 questions are disclosed? 2 A. I believe in the Money module, the order of 3 concepts and questions, projective questions which 4 is not as order dependent but were dependent within 5 the order. I believe those things were quoted. 6 Q. Anything else? 7 A. Most of the quoted stuff that has questions 8 involved and even some of the stuff that does not. 9 Q. Do -- do the Martin and Hochman articles 10 reveal or disclose the ordering of philosophical 11 concepts? 12 A. I believe so. 13 Q. How? 14 A. In the Money module I believe it specifically 15 diagrams out the different concepts addressed and 16 the order. 17 Q. The Money module again? 18 A. I -- I think some of the others, I believe 19 also. 20 Q. You want to -- you want to look at the 21 articles and tell me what else you think discloses 22 the ordering of philosophical concepts? 23 A. Okay. Can you -- what are they? 24 Q. I think they are 5, 6 and 8. 25 A. 5, 6 and 8.</p>	<p style="text-align: right;">Page 400</p> <p>1 whenever you're copying parts of a manual and 2 putting them in, if you start to put the page 3 references of where the paragraphs came from, you 4 start to say what the order of the manual is. 5 I also know that in some of these things 6 the modules are specifically not only referenced, 7 but their order within a series is referenced. I 8 can continue to get more direct examples, but there 9 are. 10 Q. Well, tell me what you mean by the order is 11 referenced. 12 A. Okay. For example -- 13 MR. McGuire: We're talking about what 14 now? 15 A. -- if you go to Raniere-6. 16 MR. McGuire: 6. 17 Q. Oh, we've moved to Raniere-6? I thought you 18 were starting with Raniere-8. 19 A. I did. Do you want me to go to Raniere-8 20 first? 21 Q. No, I just wanted to know which one you were 22 talking about. 23 A. Okay. Raniere-6 because I think it's 24 clearer. I'd would be a bad driver. I shift 25 everything around.</p>

<p style="text-align: right;">Page 401</p> <p>1 On the first page it says "Phone tree," and 2 it says 12/2000, which is the Intensive manual it 3 comes from, Page 4.</p> <p>4 And the next page at the very top it says, "I 5 will not speak of them, or in any way give others 6 knowledge of them."</p> <p>7 That's 12 Point Mission Statement 4th Comment 8 -- 4th Point of 12 points.</p> <p>9 Next paragraph, "Arranging for Coaching 10 Support" in quotes. It goes through specifically 11 quoting the order of the different steps.</p> <p>12 And then it is Page 1, Number 2.</p> <p>13 Now, the next is it has the Money module. It 14 says "Concepts presented," and it specifically 15 delineates eight concepts in order and says this is 16 Page 2, Number 3 from the Money module.</p> <p>17 Similar things like this.</p> <p>18 Q. Well, let me ask you this. You referred to 19 the Phone tree, and you said "12/2000" refers to the 20 Intensive manual.</p> <p>21 The article doesn't say that it refers to the 22 Intensive manual, does it?</p> <p>23 A. The other article does.</p> <p>24 Q. No, I'm talking about this article.</p> <p>25 A. Oh. No, this article does not. I don't</p>	<p>1 A. Yes.</p> <p>2 Q. Do you consider those philosophical concepts?</p> <p>3 A. Well, let me read them.</p> <p>4 MR. McGUIRE: Where are you, Peter?</p> <p>5 MR. SKOLNIK: I'm on Page -- the second 6 page of Raniere-6, "Arranging for Coaching Support."</p> <p>7 MR. McGUIRE: Thank you.</p> <p>8 Continuing...</p> <p>9 A. I think they represent certain things that 10 are philosophical concepts in Word. I don't think 11 -- how would you define something representing a 12 philosophical concept in Word?</p> <p>13 Q. Well, happily, I'm not answering questions 14 today. I'm not sure that I understand your 15 question, but, anyway --</p> <p>16 A. Well, I misunderstood your question maybe.</p> <p>17 Q. Let me -- let me ask you a different question 18 about the articles.</p> <p>19 Do the articles disclose how to apply the 20 tool of the Rational Inquiry Method to create 21 certain results?</p> <p>22 A. I think they might indirectly.</p> <p>23 Q. Indirectly?</p> <p>24 A. Yeah, and might directly, depending on how 25 well they were studied.</p>
<p style="text-align: right;">Page 402</p> <p>1 believe it does. It might in the back.</p> <p>2 Q. And it doesn't tell you what was on Pages 3 3 or Pages 5, does it?</p> <p>4 A. Hold on a second. Let me see if it -- I 5 don't think he put a Bibliography on this article.</p> <p>6 Right now I don't see this as saying what's 7 on 3 -- Page 3 or Page 5, that is correct.</p> <p>8 Q. And the reference to the 12 Point Mission 9 Statement, there's nothing that tells you what 10 Points 1, 2, 3 or 5 are. It's just this is Point 4, 11 right?</p> <p>12 A. In this particular context, yes, but I 13 believe he -- out of the 12 points, I think he 14 recopies 7 of them.</p> <p>15 Q. Okay. But this doesn't tell you also where 16 the 12 Point Mission Statement fits in relation to 17 the Intensive manual or to Rules and Regulations, 18 does it?</p> <p>19 A. No. That's seemingly correct, yes.</p> <p>20 Q. All right. You want to direct me to -- oh, 21 and one other -- one other point.</p> <p>22 The specifications under "Arranging for 23 Coaching Support" --</p> <p>24 A. Which page? I'm sorry.</p> <p>25 Q. Second page.</p>	<p style="text-align: right;">Page 404</p> <p>1 Q. Well, what do you mean that whether or not 2 they do so directly depends upon how well they're 3 studied? Either they do so directly or they don't.</p> <p>4 A. Well, if I look at, for example, a murder 5 mystery and I --</p> <p>6 Q. Can you talk about the articles?</p> <p>7 MR. McGUIRE: Well, why don't you let 8 him finish the answer.</p> <p>9 MR. SKOLNIK: Because he's not being 10 responsive to the question.</p> <p>11 MR. McGUIRE: That is -- you wait until 12 the end of the answer, not during the answer.</p> <p>13 MR. CAMPION: Okay. Could you have the 14 question repeated, please.</p> <p>15 (The following was read back by the 16 reporter:</p> <p>17 "Can you talk about the articles?")</p> <p>18 THE REPORTER: Did you want me to read 19 further back?</p> <p>20 MR. CAMPION: That's the question.</p> <p>21 Okay. You can answer the question.</p> <p>22 Continuing...</p> <p>23 A. What do you want me to say about the 24 articles?</p> <p>25 Q. How they disclose directly the ways in which</p>

<p style="text-align: right;">Page 405</p> <p>1 the tools create certain results. 2 A. Well, depending on the level of depth 3 with which you read an article, we all have 4 different understandings. A person that reads an 5 article who is maybe not as well versed, maybe not a 6 competitor, maybe not as intelligent, maybe not as 7 good a reader will gather certain information from 8 the article. Someone who has deeper compl -- 9 comprehension will gather more and even on a deeper 10 level will gather logical implications that are 11 absolute within the article. And what I was saying 12 before, you can see a murder mystery and although 13 the murder mystery doesn't say who did it, the 14 murder mystery implies absolutely who did it so 15 that's -- those fall in class of direct. 16 Q. Was that sentence finished? 17 A. Yes. I'm sorry. Those fall in the class of 18 direct, if you will, ascertaining or transmission of 19 the information. 20 Q. In Paragraphs 25 and 26 that we just looked 21 at, you described the process of programming a 22 computer. 23 A. Is this Raniere-11? 24 Q. Yes. 25 A. Okay.</p>	<p>1 to duplicate and teach my model." 2 Did I read that correctly? 3 A. I believe so. 4 Q. The model that you're referring to when you 5 say I interviewed hundreds of people before I found 6 the right person to duplicate and teach my model, 7 what model were you referring to? 8 A. That was the beginnings of Rational Inquiry. 9 I think even some of the trade secrets that now 10 exist a few of them might have been developed at 11 that time. 12 Q. And did you discuss those trade secrets with 13 some of these hundreds of people that you 14 interviewed? 15 A. Absolutely not. 16 Q. Who were some of the people that you 17 interviewed? 18 A. People that I had come in contact with 19 through a company called National Health Outlet, 20 even people I had come in contact with through 21 Consumers' Buylne, different people who I knew not 22 only who were friends but who were different 23 professionals. 24 Q. And you were interviewing these people 25 specifically to find someone to duplicate and teach</p>
<p style="text-align: right;">Page 406</p> <p>1 Q. You described the process of programming a 2 computer. You state that the human mind works the 3 same way as a computer, and you claim that you 4 formalized the process; is that right? 5 A. Uh-huh. 6 Q. So Rational Inquiry as practiced by NXIVM is 7 a process for programming the human mind? 8 A. That's part. You -- you can call it 9 programming, deprogramming, yes. 10 Q. So NXIVM programs its students? 11 A. To a degree, yes. 12 Q. Paragraph 27, "My new found mode of 13 communication, when added to my projective model, 14 allowed a person to understand others on a far 15 deeper level. It enabled a person to find a common 16 understanding with others and to logically build a 17 belief system that matched a person's subjective 18 world -- highly individual yet consistent. Using 19 this model people seemed to understand themselves 20 and each other better. They understood their 21 decisions and in so doing often derived a sense of 22 self-determinism. In short, their motivation was 23 redirected from fear generated to objective 24 generated. Over the next 7 years I would interview 25 hundreds of people before I found the correct person</p>	<p style="text-align: right;">Page 408</p> <p>1 your model? 2 A. To teach my model to, yes, and then to see if 3 it was something that was duplicatable. 4 Q. And you were trying to find someone to whom 5 you could teach your model and have it be duplicated 6 without talking about your model, is that correct? 7 A. Yes. 8 Q. Who was the correct person? 9 A. Nancy Salzman. 10 Q. Paragraph 28 -- well, let me go back for a 11 minute. 12 What convinced you that Nancy Salzman was the 13 correct person? 14 A. Not only her background and her experience, 15 but I spent a number of days meeting with her. We 16 were going to meet for an hour. I don't know how 17 long it was. We met many hours several days in a 18 row, and I believed that she had not only the 19 background but the personality and what I believe 20 the value set to do this and also a willingness. 21 Q. What was the value set that you were looking 22 for? 23 A. I believe she was honest. I believe she was 24 hardworking. 25 Q. Anything else?</p>

1 A. Someone that I felt comfortable with.
 2 Q. Paragraph 28 reads in part, "In 1991, a paper
 3 I wrote was circulated throughout my industry. It
 4 utilized axiomatic first principles and a logical
 5 proof framework to 'debunk' many of the practices
 6 within the industry."
 7 A. Uh-huh.
 8 Q. I read that correctly?
 9 A. I believe so.
 10 Q. What was the name of the paper you wrote?
 11 A. I remembered yesterday as I was saying this,
 12 I believe it was referred to informally as the White
 13 Paper.
 14 Q. And how was it circulated?
 15 A. Some marketers ended up copying it and
 16 circulating it.
 17 Q. What ideas did the paper include?
 18 A. Relating to multi-level marketing, the
 19 fallacies of multi-level marketing, and a type of
 20 lay analysis of different marketing materials,
 21 pyramid schemes. I think it even went on to explain
 22 the nature of a pyramid scheme of effort, Ponzi
 23 schemes, although I'm not sure if those were
 24 included in the initial White Paper.
 25 THE VIDEOGRAPHER: Excuse me. We have

1 to change tapes.
 2 We're back on the record. The time is
 3 5:17.
 4 BY MR. SKOLNIK:
 5 Q. Were you in the middle of an answer?
 6 A. I'm not sure.
 7 MR. SKOLNIK: Can you read back the last
 8 testimony?
 9 MR. McGuire: Read the question, too, so
 10 we'll know. Read the question, also.
 11 (The following was read back by the
 12 reporter:
 13 "QUESTION: What ideas did the paper
 14 include?
 15 ANSWER: Relating to multi-level
 16 marketing, the fallacies of multi-level marketing,
 17 and a type of lay analysis of different marketing
 18 materials, pyramid schemes. I think it even went on
 19 to explain the nature of a pyramid scheme of effort,
 20 Ponzi schemes, although I'm not sure if those were
 21 included in the initial White Paper.")
 22 A. That's the --
 23 Q. Was that it?
 24 A. Yes.
 25 Q. Was the paper -- withdrawn.

1 Did any part of the paper talk about your
 2 model?
 3 A. No.
 4 Q. Did any part of the paper contain any aspects
 5 of the Rational Inquiry Method?
 6 A. No.
 7 Q. Have a look at Paragraphs 36 and 37.
 8 A. (Witness complies.)
 9 Q. Paragraph 36 says, "The first most
 10 fundamental step in creating a company is the
 11 precise determination of the guiding principles on
 12 which it is built -- a mission statement.
 13 Everything must be based on and flow from this
 14 ethic. For our success school, I felt it was
 15 necessary to start with a philosophical statement
 16 of what success is (point 1 of the 12 point Mission
 17 Statement) then have the rest of the Mission
 18 Statement follow from there."
 19 "I searched my life experience and wrote the
 20 copyrighted 12 point Mission Statement that was the
 21 basis of our company, technology and education.
 22 When someone signs up for a program, they sign a
 23 confidentiality agreement. The first module they
 24 take is 'Rules and Rituals.' Within this module
 25 they learn of the 12 point Mission Statement. At

1 that point, if they find any of the premises
 2 disagreeable, they can have their money refunded
 3 without further obligation except for the terms of
 4 the confidentiality agreement."
 5 Did I read that correctly?
 6 A. There is a parenthetical expression on the end
 7 of Clause 36 that says in my copy, "(See Appendix D
 8 for protective procedures)."
 9 Is that on yours?
 10 Q. Yes, it is but I'm not -- I'm not reading.
 11 A. No. I just wanted to be sure that it was
 12 accurate.
 13 Q. But other than that, I read it correctly?
 14 A. I believe so.
 15 Q. All right. And I think you've already told
 16 us that you consider the 12 Point Mission Statement
 17 to be a trade secret, is that right?
 18 A. I don't know if I said that.
 19 Q. Well, do you consider the 12 Point Mission
 20 Statement to be a trade secret?
 21 A. I think that it contains windows into trade
 22 secrets. I don't know if any written expression
 23 except for even maybe a formula -- I don't know
 24 enough about trade secrets. I do consider it
 25 secret. I do consider it essential.

<p style="text-align: right;">Page 413</p> <p>1 Q. Well, using -- using your definition of trade 2 secret, the one that -- the one that you gave us 3 yesterday. We were -- we were working with your 4 definition of trade secret yesterday, and I want to 5 be sure we're talking about the same thing today.</p> <p>6 I believe you told us that a trade secret is 7 something we believe is unique that we keep as a 8 secret and if it were not kept secret would be a 9 disadvantage to us.</p> <p>10 A. I believe --</p> <p>11 Q. Do I have that right?</p> <p>12 A. I believe the Mission Statement falls into 13 that.</p> <p>14 Q. Okay. Was the development of the 12 Point 15 Mission Statement the most fundamental step in 16 creating ESP and NXIVM?</p> <p>17 A. The most fundamental?</p> <p>18 Q. Well, in Paragraph 36 you say, "The first 19 most fundamental step in creating a company."</p> <p>20 A. Right. That doesn't mean it's the most 21 fundamental, but when you're taking first steps, the 22 first most fundamental step -- I don't know if it's 23 the most fundamental thing of all, but it's 24 certainly very fundamental.</p> <p>25 Q. Okay. Is -- is everything in NXIVM based on</p>	<p>1 trade secrets which have been derived after the 2 point of the Mission Statement.</p> <p>3 Q. Okay. But referring just to the 12 Point 4 Mission Statement --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- would you agree that if the 12 Point 7 Mission Statement was posted on NXIVM's website, 8 then it as written is not a trade secret?</p> <p>9 A. Well, it's not secret in the same way if it 10 was downloaded by anyone, I imagine.</p> <p>11 Q. Let me ask you again.</p> <p>12 A. All right. I'm being specific because when 13 you post something on the web, if nobody looks at 14 it, it hasn't been downloaded. It hasn't been 15 viewed so -- but if it was posted on the web and if 16 it indeed was downloaded, then that becomes some 17 form of more public knowledge.</p> <p>18 Q. If it was downloaded or even if it was just 19 viewed, is that right?</p> <p>20 A. Well, but what I mean by -- to view it -- in 21 my mind, to view it means you've taken the package 22 from the website and put it on your computer. I'm 23 sorry.</p> <p>24 Q. And you testified yesterday that you don't 25 know of any other modules that have been posted on</p>
<p style="text-align: right;">Page 414</p> <p>1 the 12 Point Mission Statement?</p> <p>2 A. No.</p> <p>3 Q. Well, what do you mean in Paragraph 36 when 4 you say, "Everything must be based on and flow from 5 this ethic"?</p> <p>6 A. It flows from this ethic. Depending on how 7 you define "based on" --</p> <p>8 Q. Well, it's your word, Mr. Raniere.</p> <p>9 A. I understand. As far as what I am saying 10 here is that this is the foundational principle and 11 principles from which everything else is ultimately 12 derived. So, yes, I guess in answer to your 13 question, in some way, shape or form all ESP, NXIVM 14 flows from this.</p> <p>15 Q. Now, you told us yesterday that you 16 understood that the 12 Point Mission Statement may, 17 in fact, have been posted on NXIVM's website; right?</p> <p>18 A. Uh-huh.</p> <p>19 Q. And you testified that if it appeared on the 20 website you would acknowledge that it's not a trade 21 secret, right?</p> <p>22 A. That part of it.</p> <p>23 Q. Well, if all of it appeared on the website --</p> <p>24 A. Yes, but where -- it in itself, but there are 25 also the trade secrets which it implies and the</p>	<p style="text-align: right;">Page 416</p> <p>1 the internet.</p> <p>2 A. Correct.</p> <p>3 Q. But would you make the same acknowledgement 4 about any other NXIVM material that NXIVM or its 5 representatives posted on the internet?</p> <p>6 A. Yeah. If people can publicly access them, 7 they've lost certainly a degree of secrecy.</p> <p>8 Q. Okay. Would you acknowledge that you don't 9 believe that NXIVM can claim trade secret status for 10 any NXIVM materials that it has made available to 11 the public through its own actions?</p> <p>12 A. Maybe the materials. There is a difference 13 between NXIVM's trade secrets which generate the 14 materials and the materials themselves. If the 15 materials embody specifics of a trade secret, then 16 that is true. It is now sort of the cat is out of 17 the bag.</p> <p>18 MR. SKOLNIK: Can I hear that answer 19 back?</p> <p>20 (The following was read back by the 21 reporter:</p> <p>22 "ANSWER: Maybe the materials. There is 23 a difference between NXIVM's trade secrets which 24 generate the materials and the materials themselves. 25 If the materials embody specifics of a trade secret,</p>

<p style="text-align: right;">Page 417</p> <p>1 then that is true. It is now sort of the cat is out 2 of the bag.")</p> <p>3 BY MR. SKOLNIK:</p> <p>4 Q. What research did you do to come up with the 5 12 Point Mission Statement?</p> <p>6 A. I imagine in one sense it's my life. That's 7 an expression of what my experience was. I don't 8 know exactly I guess what you mean by research.</p> <p>9 Q. Well, did you conduct any research 10 specifically aimed at creating a 12 Point Mission 11 Statement?</p> <p>12 A. No, not a 12 Point Mission Statement.</p> <p>13 Q. Which points of the 12 points did you come up 14 with first?</p> <p>15 A. Um, I'm not sure.</p> <p>16 Q. Did you create any early drafts of the 12 17 Point Mission Statement?</p> <p>18 A. I don't believe so.</p> <p>19 Q. So you sat down to write it, and it was just 20 one draft?</p> <p>21 A. Yes.</p> <p>22 Q. Paragraph 38 says, "As part of the 23 curriculum, students recite this 12 point Mission 24 Statement before class and reflect upon its 25 contents. The whole curriculum is based on this</p>	<p style="text-align: right;">Page 419</p> <p>1 on the 12 point Mission Statement: Using the model 2 I had discovered, we codified the subject matter 3 into twenty 2 hour modules and refined the wording 4 and order of each question."</p> <p>5 A. Uh-huh.</p> <p>6 Q. Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Can you recall sitting here today what this 9 list of the first group of 20 modules was?</p> <p>10 A. Not completely. I can probably run off some 11 of them.</p> <p>12 Q. Tell me what you remember.</p> <p>13 A. Um, well, there's Rules and Rituals. There's 14 I believe it's Communication/At Cause, Honesty and 15 Disclosure, there's Work and Value, there's 16 Self-Esteem, there's Good and Bad, there is Excited 17 State, there is Persistency and Motivational State, 18 there is Intensity and Power State, there's Time and 19 Lists. I don't know if I mentioned Parasite Module 20 I and Parasite II and Parasite Practice, which is 21 Parasite III. There's a Tribute module. There is a 22 Money module. There's a Crime and Punishment 23 module.</p> <p>24 Those are -- I mean, those are the ones that 25 come up off the top of my head. I think I listed</p>
<p style="text-align: right;">Page 418</p> <p>1 12 point Mission Statement and as students learn and 2 experience more, it is our hope they will gain a 3 deeper and deeper understanding of these tenets."</p> <p>4 Did I read that correctly?</p> <p>5 A. I believe so.</p> <p>6 Q. What does it mean that the whole curriculum 7 is based on the 12 point Mission Statement?</p> <p>8 A. It means that if you understand the 12 point 9 Mission Statement deep enough, that at this point in 10 time, one would gain a better understanding on the 11 whole -- of the whole curriculum, that they reflect 12 each other; and the 12 point Mission Statement is 13 something that helps in gaining a deeper 14 understanding of the curriculum.</p> <p>15 Q. Is -- is the 12 point Mission Statement the 16 most important of NXIVM's trade secrets?</p> <p>17 A. I -- no.</p> <p>18 Q. What --</p> <p>19 A. Not at all.</p> <p>20 Q. What trade secrets do you consider more 21 important than the 12 point Mission Statement?</p> <p>22 A. The Rational Inquiry Method and all trade 23 secrets relating directly to that.</p> <p>24 Q. Paragraph 39 you say, "For the next several 25 months, we continued to refine the curriculum based</p>	<p style="text-align: right;">Page 420</p> <p>1 like 16 of them.</p> <p>2 Q. You say in Paragraph 39, "We continued to 3 refine the curriculum."</p> <p>4 Who is the "we"?</p> <p>5 A. Nancy, myself.</p> <p>6 Q. Anyone else?</p> <p>7 A. Not that I can think of. I -- it's my belief 8 that I learn from the people around me, from 9 students taking classes and things like that, so 10 although they are not involved in the refinement of 11 the curriculum, what I learn from them and the data 12 that I gather helps me. So Nancy and I are the 13 people that refine the curriculum, but the students 14 provide data to some degree.</p> <p>15 Q. And when you say in Paragraph 39, "using the 16 model I had discovered," is the model you discovered 17 the Rational Inquiry Method?</p> <p>18 A. I think it is a basis for the Rational 19 Inquiry Method. It is one of the foundational 20 things. That model has been developed and has grown 21 over the years.</p> <p>22 Q. Were all 20 of the original modules based on 23 the Rational Inquiry Method?</p> <p>24 A. The original 20 modules were either products 25 of or based on the Rational Inquiry Method.</p>

1 MR. SKOLNIK: Okay. I'm going into a
 2 whole new line of questioning now, and if we are not
 3 going to -- well, we're not going to finish today
 4 so I think we should stop for the day; and as I
 5 suggested earlier, I think that we should while
 6 we're all here agree upon a date to resume this
 7 deposition if Judge Falk so orders it.

8 MR. CAMPION: We are disposed to
 9 continuing until 7:00 this evening after a short
 10 recess now and resuming tomorrow morning at 9:30.
 11 That would take care of the question of checking
 12 everybody's calendar and continue until 1:00
 13 tomorrow if that is necessary.

14 MR. SKOLNIK: I cannot be here tomorrow.

15 MR. KOFMAN: I'm unavailable. This was
 16 only noticed for a single -- for these two days.

17 MR. CAMPION: Well, the offer is there.
 18 I have to accommodate my schedule to do this. I
 19 believe McGuire --

20 MR. McGUIRE: So do I.

21 MR. CAMPION: -- has to do the same
 22 thing. We are prepared to do so.

23 So I do want to be sure that we've made
 24 a record of the same, and I throw one other factor
 25 out which I think is a practical factor.

1 We've been living with this now for two
 2 days. We're familiar with the Exhibits. As you get
 3 away from a deposition, any deposition, we all know
 4 that you have to get back up to speed. You have to
 5 start to review a transcript from the start, getting
 6 into all the Exhibits again. So I do want the
 7 record to be clear that that is the offer that we
 8 have on the table.

9 We're prepared to go until 7:00 tonight
 10 after a very short recess here, resume at 9:30
 11 tomorrow and continue until 1:00.

12 MR. SKOLNIK: Unfortunately, that's not
 13 possible for me; and I heard at least one other
 14 counsel say that they couldn't either.

15 I mean, I take your point about the
 16 Exhibits being fresh in everyone's mind, and I
 17 certainly would be happy to resume this deposition
 18 next week.

19 MR. CAMPION: Well, we've brought the
 20 witness down here. He had to rearrange his own
 21 life.

22 We have our offer on the table,
 23 Mr. Skolnik.

24 MR. SKOLNIK: Well, unfortunately, it's
 25 one that doesn't work so...

1 MR. CAMPION: Okay. Then I gather this
 2 will end up as the subject of some motion then. We
 3 have accommodated your request that we have our
 4 calendars available, and we've told you we're
 5 available tomorrow.

6 MR. SKOLNIK: Okay. Let me -- let me
 7 consult with my co-counsel.

8 MR. CAMPION: In any event, let's all
 9 take five minutes, anyway.

10 (At this point, there was a short
 11 recess.)

12 THE VIDEOGRAPHER: We're back on the
 13 record at 5:44.

14 MR. SKOLNIK: We're going to adjourn the
 15 deposition for the day. While I appreciate your
 16 offer, it's been a long day today. Yesterday was
 17 broken by the couple of hours that we spent in
 18 settlement discussions, and there is no way that I
 19 can finish my questioning today. And,
 20 unfortunately, neither I nor Mr. Kofman nor
 21 Mr. Landy are available to resume the deposition
 22 tomorrow morning so we expect to make an application
 23 to the Court to continue the deposition.

24 I repeat my suggestion that we should
 25 try to before we all leave today find a date when

1 everyone can make it if the Court so orders, but we
 2 are going to stop for the day.

3 MR. CAMPION: Okay. Well, we have made
 4 our position clear already, so thank you very much.
 5 Okay.

6 MR. McGUIRE: Peter, before we go off
 7 the record, you were going to give me dates for some
 8 depositions.

9 MR. SKOLNIK: I do not have dates yet
 10 for Mr. O'Hara, and I've already responded about
 11 Paul Martin.

12 MR. McGUIRE: How about Mr. Ross? Is he
 13 available on the dates we discussed? Did you send
 14 me an e-mail saying something happened?

15 Maybe that was you.

16 MR. KOFMAN: I think that was me, and
 17 I'll give you a call about that.

18 MR. McGUIRE: That's right. That's fair
 19 enough. I just want to make sure we have some
 20 dates.

21 THE VIDEOGRAPHER: We're going off the
 22 record at 5:46.

23 (Witness excused.)

24 (The deposition was adjourned for the
 25 day at 5:46 p.m.)

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1 J U R A T

2 I, KEITH A. RANIERE, do hereby
3 certify that I have read the foregoing transcript of
4 my testimony taken on March 12, 2009, and have
5 signed it subject to the following changes:

6 PAGE LINE CORRECTION

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19

20

21 DATE:

22 Sworn and subscribed to before me on this day
of

23 NOTARY PUBLIC

24 _____.
25

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1 C E R T I F I C A T E

2
3
4 I, CHERYL McGANN, a Certified Court
5 Reporter and Certified Realtime Reporter of the
6 State of New Jersey, authorized to administer
7 oaths pursuant to R.S.41:2-2, do hereby certify
8 that prior to the commencement of the examination,
9 the witness was sworn by me to testify to the truth,
10 the whole truth, and nothing but the truth.

11 I DO FURTHER CERTIFY that the foregoing
12 is a true and accurate transcript of the testimony
13 that was taken stenographically by and before me at
14 the time, place, and on the date hereinbefore set
15 forth.

16 I DO FURTHER CERTIFY that I am neither
17 a relative nor employee nor attorney nor counsel
18 of any the parties to this action and that I am
19 not interested in the action.

20

21

22

23 CHERYL McGANN
24 C.C.R. License No. XI000918

A	201:2	additionally	236:23 239:4,7	298:12 353:1
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168:15 264:3,8	330:20	address	380:11 382:18	aimed
364:1,8	accurate	292:5 341:7,17	affiliated	417:10
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